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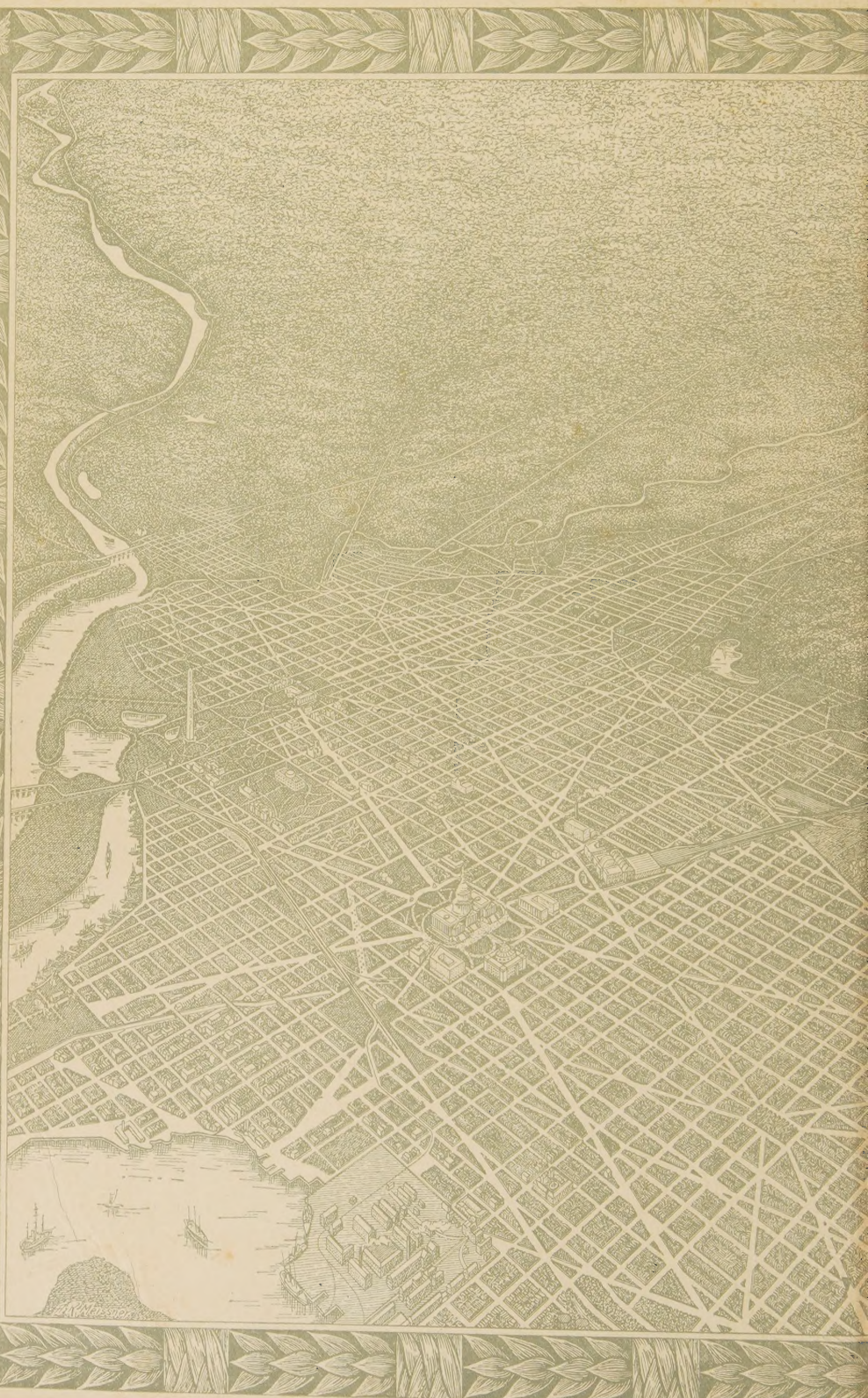
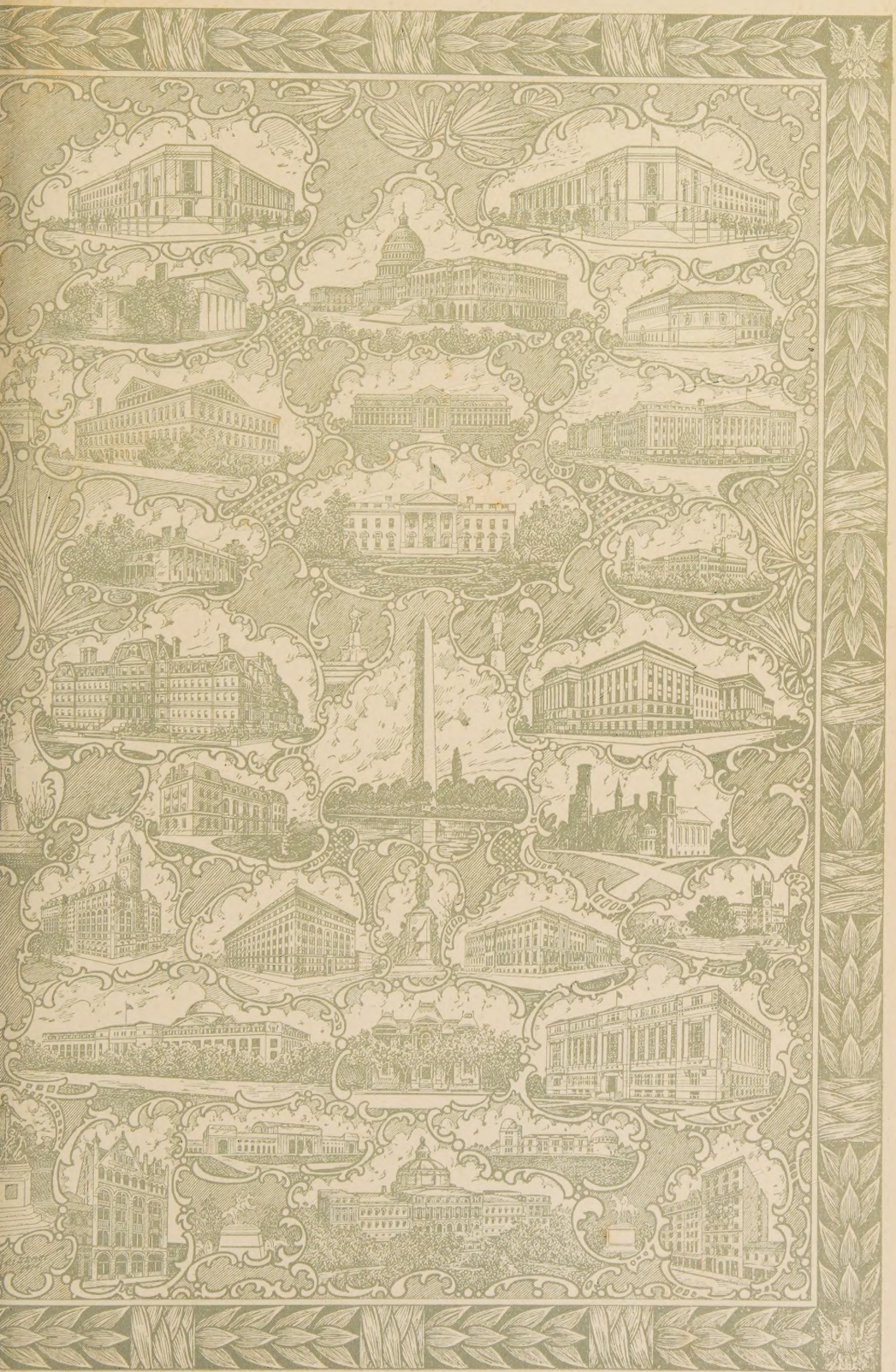
THE PRESIDENTS





State, War and Navy Department

A COMPILATION

OF THE

MESSAGES AND PAPERS

OF THE

PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

(With Additions and Encyclopedic Index
by Private Enterprise)

VOLUME V

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which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection or tendency to violence or cruelty has marked the measures of emancipation and arming the blacks. These measures have been much discussed in foreign countries, and, contemporary with such discussion, the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning. The crisis which threatened to divide the friends of the Union is past.

Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted.* On examination of this proclamation it will appear, as is believed, that nothing will be attempted beyond what is amply justified by the Constitution. True, the form of an oath is given, but no man is coerced to take it. The man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the Executive to grant or withhold the pardon at his own absolute discretion, and this includes the power to grant on terms, as is fully established by judicial and other authorities.

It is also proffered that if in any of the States named a State government shall be in the mode prescribed set up, such government shall be recognized and guaranteed by the United States, and that under it the State shall, on the constitutional conditions, be protected against invasion and domestic violence. The constitutional obligation of the United States to guarantee to every State in the Union a republican form of government and to protect the State in the cases stated is explicit and full. But why tender the benefits of this provision only to a State government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State favorable to republican government in the Union may be too feeble for an opposite and hostile element external to or even within the State, and such are precisely the cases with which we are now dealing.

An attempt to guarantee and protect a revived State government, constructed in whole or in preponderating part from the very element against whose hostility and violence it is to be protected, is simply absurd. There must be a test by which to separate the opposing elements, so as to build only from the sound; and that test is a sufficiently liberal one which accepts as sound whoever will make a sworn recantation of his former unsoundness.

But if it be proper to require as a test of admission to the political body an oath of allegiance to the Constitution of the United States and to the

*See proclamation dated December 8, 1863, pp. 3414-3416.

Union under it, why also to the laws and proclamations in regard to slavery? Those laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their fullest effect there had to be a pledge for their maintenance. In my judgment, they have aided and will further aid the cause for which they were intended. To now abandon them would be not only to relinquish a lever of power, but would also be a cruel and an astounding breach of faith. I may add at this point that while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by the terms of that proclamation or by any of the acts of Congress. For these and other reasons it is thought best that support of these measures shall be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether or grant upon the terms which he shall deem wisest for the public interest. It should be observed also that this part of the oath is subject to the modifying and abrogating power of legislation and supreme judicial decision.

The proposed acquiescence of the National Executive in any reasonable temporary State arrangement for the freed people is made with the view of possibly modifying the confusion and destitution which must at best attend all classes by a total revolution of labor throughout whole States. It is hoped that the already deeply afflicted people in those States may be somewhat more ready to give up the cause of their affliction if to this extent this vital matter be left to themselves, while no power of the National Executive to prevent an abuse is abridged by the proposition.

The suggestion in the proclamation as to maintaining the political framework of the States on what is called reconstruction is made in the hope that it may do good without danger of harm. It will save labor and avoid great confusion.

But why any proclamation now upon this subject? This question is beset with the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements for resumption seem ready for action, but remain inactive apparently for want of a rallying point—a plan of action. Why shall A adopt the plan of B rather than B that of A? And if A and B should agree, how can they know but that the General Government here will reject their plan? By the proclamation a plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would.

The objections to a premature presentation of a plan by the National Executive consist in the danger of committals on points which could be more safely left to further developments. Care has been taken to so shape the document as to avoid embarrassments from this source. Saying that on certain terms certain classes will be pardoned with rights

restored, it is not said that other classes or other terms will never be included. Saying that reconstruction will be accepted if presented in a specified way, it is not said it will never be accepted in any other way.

The movements by State action for emancipation in several of the States not included in the emancipation proclamation are matters of profound gratulation. And while I do not repeat in detail what I have heretofore so earnestly urged upon this subject, my general views and feelings remain unchanged; and I trust that Congress will omit no fair opportunity of aiding these important steps to a great consummation.

In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look yet for a time to give confidence to the people in the contested regions that the insurgent power will not again overrun them. Until that confidence shall be established little can be done anywhere for what is called reconstruction. Hence our chiefest care must still be directed to the Army and Navy, who have thus far borne their harder part so nobly and well; and it may be esteemed fortunate that in giving the greatest efficiency to these indispensable arms we do also honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom more than to others the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated.

ABRAHAM LINCOLN.

SPECIAL MESSAGES.

WASHINGTON, D. C., *December 8, 1863.*

To the Senate and House of Representatives:

In conformity to the law of July 16, 1862, I most cordially recommend that Captain John Rodgers, United States Navy, receive a vote of thanks from Congress for the eminent skill and gallantry exhibited by him in the engagement with the rebel armed ironclad steamer *Fingal*, alias *Atlanta*, whilst in command of the United States ironclad steamer *Weehawken*, which led to her capture on the 17th June, 1863, and also for the zeal, bravery, and general good conduct shown by this officer on many occasions.

This recommendation is specially made in order to comply with the requirements of the ninth section of the aforesaid act, which is in the following words, viz:

That any line officer of the Navy or Marine Corps may be advanced one grade if upon recommendation of the President by name he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

ABRAHAM LINCOLN.

WASHINGTON, D. C., *December 8, 1863.*

To the Senate of the United States:

Congress, on my recommendation, passed a resolution, approved 7th February, 1863, tendering its thanks to Commander D. D. Porter "for the bravery and skill displayed in the attack on the post of Arkansas on the 10th January, 1863," and in consideration of those services, together with his efficient labors and vigilance subsequently displayed in thwarting the efforts of the rebels to obstruct the Mississippi and its tributaries and the important part rendered by the squadron under his command, which led to the surrender of Vicksburg.

I do therefore, in conformity to the seventh section of the act approved 16th July, 1862, nominate Commander D. D. Porter to be a rear-admiral in the Navy on the active list from the 4th July, 1863, to fill an existing vacancy.

ABRAHAM LINCOLN.

WASHINGTON, *December 10, 1863.*

To the Senate and House of Representatives:

I transmit herewith a report, dated the 9th instant, with the accompanying papers, received from the Secretary of State in compliance with the requirements of the sixteenth and eighteenth sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded at Le Roy, Kans., on the 29th day of August, 1863, between William P. Dole, Commissioner of Indian Affairs, and William G. Coffin, superintendent of Indian affairs of the southern superintendency, commissioners on the part of the United States, and the chiefs and headmen of the Great and Little Osage tribe of Indians of the State of Kansas.

A communication from the Secretary of the Interior, dated the 12th instant, accompanies the treaty.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded on the 7th day of October, 1863, at Conejos, Colorado Territory, between John Evans, governor and *ex officio* superintendent of Indian affairs of said Territory; Michael Steck, superintendent of Indian affairs for the Territory of New Mexico; Simeon Whitely and Lafayette Head,

Indian agents, commissioners on the part of the United States, and the chiefs and warriors of the Tabeguache band of Utah Indians.

I also transmit a report of the Secretary of the Interior of the 12th instant, submitting the treaty; an extract from the last annual report of Governor Evans, of Colorado Territory, relating to its negotiation, and a map upon which is delineated the boundaries of the country ceded by the Indians and that retained for their own use.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded at the city of Washington on the 6th day of April, 1863, between John P. Usher, commissioner on the part of the United States, and the chiefs and headmen of the Comanche, Kiowa, and Apache tribes of Indians, duly authorized thereto.

A letter of the Secretary of the Interior of the 12th instant accompanies the treaty.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded at the Sac and Fox Agency, in Kansas, on the 2d day of September, 1863, between William P. Dole, Commissioner of Indian Affairs, commissioner on the part of the United States, and the New York Indians, represented by duly authorized members of the bands of said tribe.

A letter of the Secretary of the Interior of the 12th instant accompanies the treaty.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded at the Sac and Fox Agency, in Kansas, on the 3d day of September, 1863, between William P. Dole, Commissioner of Indian Affairs, and William G. Coffin, superintendent of Indian affairs for the southern superintendency, on the part of the United States, and the Creek Nation of Indians, represented by its chiefs.

A letter from the Secretary of the Interior, dated the 12th instant, accompanies the treaty.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, December, 1863.

To the Senate of the United States:

I lay before the Senate, for its constitutional action thereon, a treaty concluded at the Sac and Fox Agency, in Kansas, on the 4th day of September, 1863, between William P. Dole, Commissioner of Indian Affairs, and Henry W. Martin, agent for the Sacs and Foxes, commissioners on the part of the United States, and the united tribes of Sac and Fox Indians of the Mississippi.

A letter from the Secretary of the Interior, dated the 12th instant, accompanies the treaty.

ABRAHAM LINCOLN.

WASHINGTON, *December 15, 1863.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 11th of March last, requesting certain information touching persons in the service of this Government, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

WASHINGTON, *December 17, 1863.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a convention between the United States and Her Britannic Majesty for the final adjustment of the claims of the Hudsons Bay and Pugets Sound Agricultural Companies, signed in this city on the 1st day of July last (1863).

ABRAHAM LINCOLN.

DECEMBER 17, 1863.

To the Senate and House of Representatives of the United States:

Herewith I lay before you a letter addressed to myself by a committee of gentlemen representing the freedmen's aid societies in Boston, New York, Philadelphia, and Cincinnati. The subject of the letter, as indicated above, is one of great magnitude and importance, and one which these gentlemen, of known ability and high character, seem to have considered with great attention and care. Not having the time to form a mature judgment of my own as to whether the plan they suggest is the best, I submit the whole subject to Congress, deeming that their attention thereto is almost imperatively demanded.

ABRAHAM LINCOLN.

WASHINGTON, *December 22, 1863.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, two conventions between the United States and His Belgian Majesty,

signed at Brussels on the 20th May and the 20th of July last, respectively, and both relating to the extinguishment of the Scheldt dues, etc. A copy of so much of the correspondence between the Secretary of State and Mr. Sanford, the minister resident of the United States at Brussels, on the subject of the conventions as is necessary to a full understanding of it is also herewith transmitted.

ABRAHAM LINCOLN.

WASHINGTON, *December 23, 1863.*

To the Senate and House of Representatives:

I transmit to Congress a copy of the report to the Secretary of State of the commissioners on the part of the United States under the convention with Peru of the 12th of January last, on the subject of claims. It will be noticed that two claims of Peruvian citizens on this Government have been allowed. An appropriation for the discharge of the obligations of the United States in these cases is requested.

ABRAHAM LINCOLN.

JANUARY 5, 1864.

Gentlemen of the Senate and House of Representatives:

By a joint resolution of your honorable bodies approved December 23, 1863, the paying of bounties to veteran volunteers, as now practiced by the War Department, is, to the extent of $300 in each case, prohibited after this 5th day of the present month. I transmit for your consideration a communication from the Secretary of War, accompanied by one from the Provost-Marshal-General to him, both relating to the subject above mentioned. I earnestly recommend that the law be so modified as to allow bounties to be paid as they now are, at least until the ensuing 1st day of February.

I am not without anxiety lest I appear to be importunate in thus recalling your attention to a subject upon which you have so recently acted, and nothing but a deep conviction that the public interest demands it could induce me to incur the hazard of being misunderstood on this point. The Executive approval was given by me to the resolution mentioned, and it is now by a closer attention and a fuller knowledge of facts that I feel constrained to recommend a reconsideration of the subject.

ABRAHAM LINCOLN.

WASHINGTON, *January 7, 1864.*

To the Senate and House of Representatives:

I transmit to Congress a copy of the decree of the court of the United States for the southern district of New York, awarding the sum of $17,150.66 for the illegal capture of the British schooner *Glen*, and request that an appropriation of that amount may be made as an indemnification to the parties interested.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, January, 1864.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, the following-described treaties, viz:

A treaty made at Fort Bridger, Utah Territory, on the 2d day of July, 1863, between the United States and the chiefs, principal men, and warriors of the eastern bands of the Shoshonee Nation of Indians.

A treaty made at Box Elder, Utah Territory, on the 30th day of July, 1863, between the United States and the chiefs and warriors of the northwestern bands of the Shoshonee Nation of Indians.

A treaty made at Ruby Valley, Nevada Territory, on the 1st day of October, 1863, between the United States and the chiefs, principal men, and warriors of the Shoshonee Nation of Indians.

A treaty made at Tuilla Valley, Utah Territory, on the 12th day of October, 1863, between the United States and the chiefs, principal men, and warriors of the Goship bands of Shoshonee Indians.

A treaty made at Soda Springs, in Idaho Territory, on the 14th day of October, 1863, between the United States and the chiefs of the mixed bands of Bannacks and Shoshonees, occupying the valley of the Shoshonee River.

A letter of the Secretary of the Interior of the 5th instant, a copy of a report of the 30th ultimo, from the Commissioner of Indian Affairs, a copy of a communication from Governor Doty, superintendent of Indian Affairs, Utah Territory, dated November 10, 1863, relating to the Indians parties to the several treaties herein named, and a map, furnished by that gentleman, are herewith transmitted.

ABRAHAM LINCOLN,

EXECUTIVE MANSION,
Washington, January, 1864.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made at the Old Crossing of Red Lake River, in the State of Minnesota, on the 2d day of October, 1863, between Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians.

A letter of the Secretary of the Interior of the 8th instant, together with a communication from the Commissioner of Indian Affairs of the 5th instant and copies of Mr. Ramsey's report and journal, relating to the treaty, and a map showing the territory ceded, are herewith transmitted.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *January 12, 1864.*

To the Senate of the United States:

In accordance with the request of the Senate conveyed in their resolution of the 16th of December, 1863, desiring any information in my possession relative to the alleged exceptional treatment of Kansas troops when captured by those in rebellion, I have the honor to transmit a communication from the Secretary of War, accompanied by reports from the General in Chief of the Army and the Commissary-General of Prisoners relative to the subject-matter of the resolution.

ABRAHAM LINCOLN.

JANUARY 20, 1864.

Gentlemen of the Senate and House of Representatives:

In accordance with a letter addressed by the Secretary of State, with my approval, to the Hon. Joseph A. Wright, of Indiana, that patriotic and distinguished gentleman repaired to Europe and attended the International Agricultural Exhibition, held at Hamburg last year, and has since his return made a report to me, which, it is believed, can not fail to be of general interest, and especially so to the agricultural community. I transmit for your consideration copies of the letters and report. While it appears by the letter that no reimbursement of expenses or compensation was promised him, I submit whether reasonable allowance should not be made him for them.

ABRAHAM LINCOLN.

WASHINGTON, *January 21, 1864.*

To the Senate of the United States:

In compliance with the resolution of the Senate of yesterday, respecting the recent destruction by fire of the Church of the Compañía at Santiago, Chile, and the efforts of citizens of the United States to rescue the victims of the conflagration, I transmit a report from the Secretary of State, with the papers accompanying it.

ABRAHAM LINCOLN.

WASHINGTON, *January 23, 1864.*

To the Senate of the United States:

I transmit to the Senate a copy of a dispatch of the 12th of April last, addressed by Anson Burlingame, esq., the minister of the United States to China, to the Secretary of State, relative to a modification of the twenty-first article of a treaty between the United States and China of the 18th of June, 1858, a printed copy of which is also herewith transmitted.

These papers are submitted to the consideration of the Senate with a view to their advice and consent being given to the modification of the said twenty-first article, as explained in the said dispatch and its accompaniments.

ABRAHAM LINCOLN.

WASHINGTON, *January 29, 1864.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, in answer to the resolution of the Senate respecting the correspondence with the authorities of Great Britain in relation to the proposed pursuit of hostile bands of the Sioux Indians into the Hudson Bay territories.

ABRAHAM LINCOLN.

WASHINGTON, *February 4, 1864.*

To the Senate:

In compliance with the resolution of the Senate of the 26th ultimo, requesting "a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," I transmit herewith a report from the Secretary of War and the papers with which it is accompanied.

ABRAHAM LINCOLN.

WASHINGTON, *February 5, 1864.*

To the Senate of the United States:

In answer to the resolution of the Senate of yesterday on the subject of a reciprocity treaty with the Sandwich Islands, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

WASHINGTON, *February 16, 1864.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with the accompanying papers, relative to the claim on this Government of the owners of the French ship *La Manche*, and recommend an appropriation for the satisfaction of the claim, pursuant to the award of the arbitrators.

ABRAHAM LINCOLN.

WASHINGTON, *February 16, 1864.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 8th instant, requesting information touching the arrest of the United States consul-general to the British North American Provinces, and certain official communications respecting Canadian commerce, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ABRAHAM LINCOLN.

GRANT'S ARMY CROSSING THE JAMES RIVER

Confederates Preparing Corn Paste

GRANT'S ARMY CROSSING THE JAMES RIVER

After the disastrous Wilderness Campaign, Grant decided to take Richmond from the South. On June 12 and 13, 1864, his army crossed to the south side of the James River by means of a pontoon bridge and there combined with the force under General Butler, making a total strength of about 170,000 men. Lee had about one-third that number. Grant's attitude in the drawing is suggestive of his frame of mind: He would conquer Lee, by generalship, tactics, maneuvering, if possible; but even if he had to destroy his own army to do it, he would pound and pound and pound at Lee's thin ranks, which could never be refilled, until the Army of Virginia ceased to exist.

For an account of the later operations of his army, see the article entitled "Petersburg (Va.), Siege of," in the index (volume eleven).

The headpiece shows the starving Confederates, during a halt in the march, grating corn on a sheet of tin through which nails have been driven, grinding it between stones to a powder, then, after wetting it to a paste and rolling it around a ramrod, roasting it over the fire.

WASHINGTON, *February 22, 1864.*

To the Senate and House of Representatives:

I transmit to Congress the copy of a correspondence which has recently taken place between Her Britannic Majesty's minister accredited to this Government and the Secretary of State, in order that the expediency of sanctioning the acceptance by the master of the American schooner *Highlander* of a present of a watch which the lords of the committee of Her Majesty's privy council for trade propose to present to him in recognition of services rendered by him to the crew of the British vessel *Pearl* may be taken into consideration.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *February, 1864.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, the articles of agreement and convention made and concluded at the city of Washington on the 25th day of the present month by and between William P. Dole, as commissioner on the part of the United States, and the duly authorized delegates of the Swan Creek and Black River Chippewas and the Munsees or Christian Indians in Kansas.

ABRAHAM LINCOLN.

WASHINGTON, *February 29, 1864.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 26th instant, I transmit herewith a report from the Secretary of War, relative to the reenlistment of veteran volunteers.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, February 29, 1864.

To the Senate of the United States:

I nominate Ulysses S. Grant, now a major-general in the military service, to be lieutenant-general in the Army of the United States.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *March, 1864.*

To the Senate of the United States:

I transmit herewith a report* of the Secretary of the Interior of the 11th instant, containing the information requested in Senate resolution of the 29th ultimo.

ABRAHAM LINCOLN.

*Relating to the amount of money received for the sale of the Wea trust lands in Kansas, etc.

EXECUTIVE MANSION, *March 9, 1864.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 1st instant, respecting the points of commencement of the Union Pacific Railroad, on the one hundredth degree of west longitude, and of the branch road, from the western boundary of Iowa to the said one hundredth degree of longitude, I transmit the accompanying report from the Secretary of the Interior, containing the information called for.

I deem it proper to add that on the 17th day of November last an Executive order was made upon this subject and delivered to the vice-president of the Union Pacific Railroad Company, which fixed the point on the western boundary of the State of Iowa from which the company should construct their branch road to the one hundredth degree of west longitude, and declared it to be within the limits of the township in Iowa opposite the town of Omaha, in Nebraska. Since then the company has represented to me that upon actual surveys made it has determined upon the precise point of departure of their said branch road from the Missouri River, and located the same as described in the accompanying report of the Secretary of the Interior, which point is within the limits designated in the order of November last; and inasmuch as that order is not of record in any of the Executive Departments, and the company having desired a more definite one, I have made the order of which a copy is herewith, and caused the same to be filed in the Department of the Interior.

ABRAHAM LINCOLN.

EXECUTIVE OFFICE, *March 12, 1864.*

To the Senate of the United States:

In obedience to the resolution of the Senate of the 28th of January last, I communicate herewith a report, with accompanying papers, from the Secretary of the Interior, showing what portion of the appropriations for the colonization of persons of African descent has been expended and the several steps which have been taken for the execution of the acts of Congress on that subject.

ABRAHAM LINCOLN.

WASHINGTON, *March 14, 1864.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a treaty between the United States and Great Britain for the final settlement of the claims of the Hudsons Bay and Pugets Sound Agricultural Companies, concluded on the 1st of July last, the ratifications of which were exchanged in this city on the 5th instant, and recommend an appropriation to carry into effect the first, second, and third articles thereof.

ABRAHAM LINCOLN.

WASHINGTON, *March 14, 1864.*

To the Senate and House of Representatives:

On the 25th day of November, 1862, a convention for the mutual adjustment of claims pending between the United States and Ecuador was signed at Quito by the plenipotentiaries of the contracting parties. A copy is herewith inclosed.

This convention, already ratified by this Government, has been sent to Quito for the customary exchange of ratifications, which it is not doubted will be promptly effected. As the stipulations of the instrument require that the commissioners who are to be appointed pursuant to its provisions shall meet at Guayaquil within ninety days after such exchange, it is desirable that the legislation necessary to give effect to the convention on the part of the United States should anticipate the usual course of proceeding.

I therefore invite the early attention of Congress to the subject.

ABRAHAM LINCOLN.

EXECUTIVE OFFICE,
Washington, March 22, 1864.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded in Washington City on the 18th instant by and between William P. Dole, Commissioner of Indian Affairs, and the Shawnee Indians, represented by their duly authorized delegates.

A report of the Secretary of the Interior and a communication of the Commissioner of Indian Affairs accompany the treaty.

ABRAHAM LINCOLN.

WASHINGTON, *March 24, 1864.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 15th instant, in relation to the establishment of monarchical governments in Central and South America, I transmit a report from the Secretary of State, to whom the subject was referred.

ABRAHAM LINCOLN.

MARCH 29, 1864.

To the Senate and House of Representatives:

Mr. Charles B. Stuart, consulting engineer, appointed such by me upon invitation of the governor of New York, according to a law of that State, has made a report upon the proposed improvements to pass gunboats from tide water to the northern and northwestern lakes, which report is herewith respectfully submitted for your consideration.

ABRAHAM LINCOLN.

EXECUTIVE OFFICE,
Washington, April 4, 1864.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded June 9, 1863, between C. H. Hale, superintendent of Indian affairs, Charles Hutchins and S. D. Howe, Indian agents, on the part of the United States, and the chiefs, headmen, and delegates of the Nez Percé tribe of Indians in Washington Territory.

A report of the Secretary of the Interior of the 1st instant, with a letter from the Commissioner of Indian Affairs of the 2d ultimo, proposing amendments to the treaty, together with a report of Superintendent Hale on the subject and a synopsis of the proceedings of the council held with the Nez Percé Indians, are herewith transmitted for the consideration of the Senate.

ABRAHAM LINCOLN.

WASHINGTON, *April 7, 1864.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, in answer to the resolution of the House of Representatives of the 4th instant, in relation to Major N. H. McLean.

ABRAHAM LINCOLN.

WASHINGTON CITY, *April 15, 1864.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a supplemental treaty negotiated on the 12th of April, 1864, with the Red Lake and Pembina bands of Chippewa Indians.

A report of the Secretary of the Interior of this date and a communication from the Acting Commissioner of Indian Affairs accompany the treaty.

ABRAHAM LINCOLN.

WASHINGTON, *April 23, 1864.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, in answer to the resolutions passed by the Senate in executive session on the 14th and 18th of April, 1864.

ABRAHAM LINCOLN.

WAR DEPARTMENT,
Washington City, April 22, 1864.

The PRESIDENT OF THE UNITED STATES.

SIR: In answer to the Senate resolutions of April 14 and April 18, I have the honor to state that the nominations of Colonel Hiram Burnham, Colonel Edward M.

McCook, Colonel Lewis A. Grant, and Colonel Edward Hatch are not either of them made to fill any vacancy in the proper sense of that term. They are not made to fill a command vacated by any other general, but are independent nominations, and if confirmed the officers will be assigned to such command as the General Commanding may deem proper. But in consequence of the resignations of Generals Miller, Boyle, and Beatty and the death of General Champlin, their confirmations will be within the number of brigadiers allowed by law.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *April 23, 1864.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a note of the 19th instant from Lord Lyons to the Secretary of State, on the subject of two British naval officers who recently received medical treatment at the naval hospital at Norfolk. The expediency of authorizing Surgeon Solomon Sharp to accept the piece of plate to which the note refers, as an acknowledgment of his services, is submitted to your consideration.

ABRAHAM LINCOLN.

APRIL 28, 1864.

To the House of Representatives:

In obedience to the resolution of your honorable body a copy of which is herewith returned, I have the honor to make the following brief statement, which is believed to contain the information sought.

Prior to and at the meeting of the present Congress Robert C. Schenck, of Ohio, and Frank P. Blair, jr., of Missouri, members elect thereto, by and with the consent of the Senate held commissions from the Executive as major-generals in the Volunteer Army. General Schenck tendered the resignation of his said commission and took his seat in the House of Representatives at the assembling thereof upon the distinct verbal understanding with the Secretary of War and the Executive that he might at any time during the session, at his own pleasure, withdraw said resignation and return to the field. General Blair was, by temporary assignment of General Sherman, in command of a corps through the battles in front of Chattanooga and in the march to the relief of Knoxville, which occurred in the latter days of November and early days of December last, and of course was not present at the assembling of Congress. When he subsequently arrived here, he sought and was allowed by the Secretary of War and the Executive the same conditions and promise as allowed and made to General Schenck. General Schenck has not applied to withdraw his resignation, but when General Grant was made lieutenant-general, producing some change of commanders, General Blair sought to be assigned to the command of a corps. This was made known to Generals Grant

and Sherman and assented to by them, and the particular corps for him designated. This was all arranged and understood, as now remembered, so much as a month ago, but the formal withdrawal of General Blair's resignation and making the order assigning him to the command of a corps were not consummated at the War Department until last week, perhaps on the 23d of April instant. As a summary of the whole, it may be stated that General Blair holds no military commission or appointment other than as herein stated, and that it is believed he is now acting as a major-general upon the assumed validity of the commission herein stated, in connection with the facts herein stated, and not otherwise. There are some letters, notes, telegrams, orders, entries, and perhaps other documents in connection with this subject, which it is believed would throw no additional light upon it, but which will be cheerfully furnished if desired.

ABRAHAM LINCOLN.

APRIL 28, 1864.

To the Honorable the Senate and House of Representatives:

I have the honor to transmit herewith an address to the President of the United States, and through him to both Houses of Congress, on the condition and wants of the people of east Tennessee, and asking their attention to the necessity of some action on the part of the Government for their relief, and which address is presented by a committee of an organization called "The East Tennessee Relief Association."

Deeply commiserating the condition of these most loyal and suffering people, I am unprepared to make any specific recommendation for their relief. The military is doing and will continue to do the best for them within its power. Their address represents that the construction of direct railroad communication between Knoxville and Cincinnati by way of central Kentucky would be of great consequence in the present emergency. It may be remembered that in the annual message of December, 1861, such railroad construction was recommended. I now add that, with the hearty concurrence of Congress, I would yet be pleased to construct a road, both for the relief of these people and for its continuing military importance.

ABRAHAM LINCOLN.

WASHINGTON, *April 29, 1864.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th instant, requesting information in regard to the condition of affairs in the Territory of Nevada, I transmit a copy of a letter of the 25th of last month addressed to the Secretary of State by James W. Nye, the governor of that Territory.

ABRAHAM LINCOLN.

To the Honorable the House of Representatives: MAY 2, 1864.

In compliance with the request contained in your resolution of the 29th ultimo, a copy of which resolution is herewith returned, I have the honor to transmit the following:

EXECUTIVE MANSION,
Washington, November 2, 1863.

Hon. MONTGOMERY BLAIR.

MY DEAR SIR: Some days ago I understood you to say that your brother, General Frank Blair, desired to be guided by my wishes as to whether he will occupy his seat in Congress or remain in the field. My wish, then, is compounded of what I believe will be best for the country and best for him, and it is that he will come here, put his military commission in my hands, take his seat, go into caucus with our friends, abide the nominations, help elect the nominees, and thus aid to organize a House of Representatives which will really support the Government in the war. If the result shall be the election of himself as Speaker, let him serve in that position; if not, let him retake his commission and return to the Army. For the country, this will heal a dangerous schism. For him, it will relieve from a dangerous position. By a misunderstanding, as I think, he is in danger of being permanently separated from those with whom only he can ever have a real sympathy—the sincere opponents of slavery. It will be a mistake if he shall allow the provocations offered him by insincere timeservers to drive him from the house of his own building. He is young yet. He has abundant talents, quite enough to occupy all his time without devoting any to temper. He is rising in military skill and usefulness. His recent appointment to the command of a corps by one so competent to judge as General Sherman proves this. In that line he can serve both the country and himself more profitably than he could as a Member of Congress upon the floor. The foregoing is what I would say if Frank Blair were my brother instead of yours.

Yours, truly,

A. LINCOLN.

HEADQUARTERS MIDDLE DEPARTMENT, EIGHTH ARMY CORPS,
Baltimore, Md., November 13, 1863.

Hon. E. M. STANTON,
Secretary of War.

SIR: Inclosed I forward to the President my resignation, to take effect on the 5th of December.

I respectfully request, however, that I may be relieved from my command at an earlier day, say by the 20th instant, or as soon thereafter as some officer can be ordered to succeed me. While I desire to derange the plans or hurry the action of the Department as little as possible, it will be a great convenience to me to secure some little time before the session of Congress for a necessary journey and for some preparations for myself and family in view of my approaching change of residence and occupation. I could also spend two or three days very profitably, I think, to the service of my successor after his arrival here.

I have the honor to be, very respectfully, your obedient servant,

ROBT. C. SCHENCK, *Major-General.*

HEADQUARTERS MIDDLE DEPARTMENT, EIGHTH ARMY CORPS,
Baltimore, Md., November 13, 1863.

The PRESIDENT OF THE UNITED STATES.

SIR: Having concluded to accept the place of Member of Congress in the House of Representatives, to which I was elected in October, 1862, I hereby tender the resignation of my commission as a major-general of United States Volunteers, to take effect on the 5th day of December next.

I shall leave the military service with much reluctance and a sacrifice of personal feelings and desires, and only consent to do so in the hope that in another capacity I may be able to do some effective service in the cause of my country and Government in this time of peculiar trial.

I have the honor to be, very respectfully, your obedient servant,

ROBT. C. SCHENCK,
Major-General.

[Indorsement on the foregoing letter.]

The resignation of General Schenck is accepted, and he is authorized to turn over his command to Brigadier-General Lockwood at any time.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, November 21, 1863.

Major-General ROBERT C. SCHENCK,
United States Volunteers, Commanding Middle Department, Baltimore, Md.

SIR: Your resignation has been accepted by the President of the United States, to take effect the 5th day of December, 1863.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, *January 1, 1864.*

The PRESIDENT OF THE UNITED STATES,
Washington City, D. C.:

I hereby tender my resignation as a major-general of the United States Volunteers.

Respectfully,

FRANK P. BLAIR,
Major-General, United States Volunteers.

JANUARY 12, 1864.

Accepted, by order of the President.

EDWIN M. STANTON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 12, 1864.

Major-General FRANCIS P. BLAIR,
U. S. Volunteers.
(Care of Hon. M. Blair, Washington, D. C.)

SIR: Your resignation has been accepted by the President of the United States, to take effect this day.

I am, sir, very respectfully, your obedient servant,

JAS. A. HARDIE,
Assistant Adjutant-General.

[Telegram.]

EXECUTIVE MANSION,
Washington, D. C., March 15, 1864.

Lieutenant-General GRANT,
Nashville, Tenn.:

General McPherson having been assigned to the command of a department, could not General Frank Blair, without difficulty or detriment to the service, be assigned to command the corps he commanded a while last autumn?

A. LINCOLN.

[Telegram.]

NASHVILLE, TENN., *March 16, 1864—10 a. m.*

His Excellency the PRESIDENT:

General Logan commands the corps referred to in your dispatch. I will see General Sherman in a few days and consult him about the transfer, and answer.

U. S. GRANT,
Lieutenant-General.

[Telegram.]

NASHVILLE, TENN., *March 17, 1864.*

His Excellency A. LINCOLN,
President of the United States:

General Sherman is here. He consents to the transfer of General Logan to the Seventeenth Corps and the appointment of General F. P. Blair to the Fifteenth Corps.

U. S. GRANT,
Lieutenant-General.

[Telegram.]

HUNTSVILLE, ALA., *March 26, 1864.*

His Excellency A. LINCOLN,
President of the United States:

I understand by the papers that it is contemplated to make a change of commanders of the Fifteenth and Seventeenth Army Corps, so as to transfer me to the Seventeenth. I hope this will not be done. I fully understand the organization of the Fifteenth Corps now, of which I have labored to complete the organization this winter. Earnestly hope that the change may not be made.

JOHN A. LOGAN,
Major-General.

[Telegram.]

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 9 a. m. March 31, 1864, from Culpeper Court-House, 11.30 p. m., dated March 30, 1864:

"Major-General W. T. SHERMAN,
"*Nashville:*

"General F. P. Blair will be assigned to the Seventeenth (17th) Corps, and not the Fifteenth (15th). Assign General Joseph Hooker, subject to the approval of the President, to any other corps command you may have, and break up the anomaly of one general commanding two (2) corps.

"U. S. GRANT,
"*Lieutenant-General, Commanding.*"

From a long dispatch of April 2, 1864, from General Sherman to General Grant, presenting his plan for disposing the forces under his command, the following extracts, being the only parts pertinent to the subject now under consideration, are taken:

After a full consultation with all my army commanders, I have settled down to the following conclusions, to which I would like to have the President's consent before I make the orders:

* * * * * * *

Third. General McPherson. * * * His [three] corps to be commanded by Major-Generals Logan, Blair, and Dodge. * * *

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 3 p. m. April 10, 1864, from Culpeper Court-House, Va., 10 p. m., dated April 9, 1864:

"Major-General H. W. HALLECK,
"*Chief of Staff:*

"Will you please ascertain if General F. P. Blair is to be sent to General Sherman. If not, an army-corps commander will have to be named for the Fifteenth Corps.

"U. S. GRANT, *Lieutenant-General.*"

WASHINGTON, *April 20, 1864.*

The PRESIDENT:

You will do me a great favor by giving the order assigning me to the command of the Seventeenth Army Corps immediately, as I desire to leave Washington the next Saturday to join the command. I also request the assignment of Captain Andrew J. Alexander, of Third Regiment United States Cavalry, as adjutant-general of the Seventeenth Corps, with the rank of lieutenant-colonel. The present adjutant, or rather the former adjutant, Colonel Clark, has, I understand, been retained by General McPherson as adjutant-general of the department, and the place of adjutant-general of the corps is necessarily vacant.

I also request the appointment of George A. Maguire, formerly captain Thirty-first Missouri Volunteer Infantry, as major and aid-de-camp, and Lieutenant Logan Tompkins, Twenty-first Missouri Volunteer Infantry, as captain and aid-de-camp on my staff.

Respectfully,

FRANK P. BLAIR.

[Indorsements.]

APRIL 21, 1864.

Honorable SECRETARY OF WAR:

Please have General Halleck make the proper order in this case.

A. LINCOLN.

Referred to General Halleck, chief of staff.

EDWIN M. STANTON, *Secretary of War.*

EXECUTIVE MANSION,
Washington, April 23, 1864.

Honorable SECRETARY OF WAR.

MY DEAR SIR: According to our understanding with Major-General Frank P. Blair at the time he took his seat in Congress last winter, he now asks to withdraw his resignation as major-general, then tendered, and be sent to the field. Let this be done. Let the order sending him be such as shown me to-day by the Adjutant-General, only dropping from it the names of Maguire and Tompkins.

Yours, truly,

A. LINCOLN.

[Indorsement.]

APRIL 23, 1864.

Referred to the Adjutant-General.

EDWIN M. STANTON, *Secretary of War.*

WASHINGTON CITY, D. C., *April 23, 1864.*

Hon. E. M. STANTON,
Secretary of War:

I respectfully request to withdraw my resignation as major-general of the United States Volunteers, tendered on the 12th day of January, 1864.

Respectfully,

FRANK P. BLAIR.

GENERAL ORDERS, No. 178.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 23, 1864.

I. Major-General F. P. Blair, jr., is assigned to the command of the Seventeenth Army Corps.

II. Captain Andrew J. Alexander, Third Regiment United States Cavalry, is assigned as assistant adjutant-general of the Seventeenth Army Corps, with the rank of lieutenant-colonel, under the tenth section of the act approved July 17, 1862.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

The foregoing constitutes all sought by the resolution so far as is remembered or has been found upon diligent search.

ABRAHAM LINCOLN.

MAY 7, 1864.

To the Senate of the United States:

In compliance with the request contained in a resolution of the Senate dated April 30, 1864, I herewith transmit to your honorable body a copy of the opinion by the Attorney-General on the rights of colored persons in the Army or volunteer service of the United States, together with the accompanying papers.

ABRAHAM LINCOLN.

WASHINGTON, *May 12, 1864.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 9th instant, requesting a copy of correspondence relative to a controversy between the Republics of Chile and Bolivia, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, May 14, 1864.

To the Senate of the United States:

I transmit herewith a report of the Secretary of the Interior of the 14th instant, and accompanying papers, in answer to a resolution of the Senate of the 14th ultimo, in the following words, viz:

Resolved, That the President of the United States be requested to communicate to the Senate the reasons, if any exist, why the refugee Indians in the State of Kansas are not returned to their homes.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, May 17, 1864.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 7th instant in this city between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, superintendent of Indian affairs, northern superintendency, on the part of the United States, and the chief Hole-in-the-day and Mis-qua-dace for and on behalf of the Chippewas of the Mississippi, and the Pillager and Lake Winnibigoshish bands of Chippewa Indians in Minnesota.

A communication from the Secretary of the Interior of the 17th instant, with a statement and copies of reports of the Commissioner of Indian Affairs of the 12th and 17th instant, accompany the treaty.

ABRAHAM LINCOLN.

WASHINGTON, D. C., *May 24, 1864.*

To the Senate of the United States:

I recommend Lieutenant-Commander Francis A. Roe for advancement in his grade five numbers, to take rank next after Lieutenant-Commander John H. Upshur, for distinguished conduct in battle in command of the United States steamer *Sassacus* in her attack on and attempt to run down the rebel ironclad ram *Albemarle* on the 5th of May, 1864.

I also recommend that First Assistant Engineer James M. Hobby be advanced thirty numbers in his grade for distinguished conduct in battle and extraordinary heroism, as mentioned in the report of Lieutenant-Commander Francis A. Roe, commanding the United States steamer *Sassacus* in her action with the rebel ram *Albemarle* on the 5th May, 1864.

ABRAHAM LINCOLN.

WASHINGTON, *May 24, 1864.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of yesterday on the subject of the joint resolution of the 4th of last month relative to Mexico, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

WASHINGTON, *May 28, 1864.*

To the Senate of the United States:

In reply to a resolution of the Senate of the 25th instant, relating to Mexican affairs, I transmit a partial report from the Secretary of State of this date, with the papers therein mentioned.

ABRAHAM LINCOLN.

WASHINGTON, *May 31, 1864.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th instant, a report* from the Secretary of State, with accompanying documents.

ABRAHAM LINCOLN.

WASHINGTON, D. C., *June 8, 1864.*

To the Senate and House of Representatives:

I have the honor to submit, for the consideration of Congress, a letter and inclosure† from the Secretary of War, with my concurrence in the recommendation therein made.

ABRAHAM LINCOLN.

WASHINGTON, *June 13, 1864.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 4th of March, 1864, I transmit herewith a report from the Secretary of War in the case of William Yokum, with accompanying papers.

ABRAHAM LINCOLN.

WASHINGTON, *June 13, 1864.*

To the Senate of the United States:

I transmit herewith, for consideration with a view to ratification, a convention between the United States of America and the United Colombian States, signed by the plenipotentiaries of the contracting powers on the 10th February last, providing for a revival of the joint commission on claims under the convention of 10th September, 1857, with New Granada.

ABRAHAM LINCOLN.

WASHINGTON, *June 18, 1864.*

To the Senate of the United States:

In further answer to the Senate's resolution of the 28th ultimo, requesting to be informed whether the President "has, and when, authorized a person alleged to have committed a crime against Spain or any of its dependencies to be delivered up to officers of that Government, and whether such delivery was had, and, if so, under what authority of law or of treaty it was done," I transmit a copy of a dispatch of the 10th instant to the Secretary of State from the acting consul of the United States at Havana.

ABRAHAM LINCOLN.

*Relating to the delivery of a person charged with crime against Spain to the officers of that Government.

†Report from the Provost-Marshal-General, showing the result of the draft to fill a deficiency in the quotas of certain States, and recommending a repeal of the clause in the enrollment act commonly known as the three-hundred-dollar clause.

EXECUTIVE MANSION, *June 21, 1864.*

To the Senate of the United States:

I herewith communicate to the Senate, for its constitutional action thereon, the articles of agreement and convention made and concluded at the city of Washington on the 15th instant between the United States and the Delaware Indians of Kansas, referred to in the accompanying communication of the present date from the Secretary of the Interior.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *Washington, June 24, 1864.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at the city of Washington on the 11th day of June, 1864, by and between William P. Dole, Commissioner of Indian Affairs, and Hiram W. Farnsworth, United States Indian agent, commissioners on the part of the United States, and the chiefs and headmen of the Kansas tribe of Indians.

A communication of the Secretary of the Interior of the 18th instant, with a copy of report of Commissioner of Indian Affairs of the 13th instant, accompany the treaty.

ABRAHAM LINCOLN.

WASHINGTON, *June 28, 1864.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 24th instant, requesting information in regard to the alleged enlistment in foreign countries of recruits for the military and naval service of the United States, I transmit reports from the Secretaries of State, of War, and of the Navy, respectively.

ABRAHAM LINCOLN.

WASHINGTON, *June 28, 1864.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th of last month, requesting information in regard to the maltreatment of passengers and seamen on board ships plying between New York and Aspinwall, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

WASHINGTON, *July 2, 1864.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 6th ultimo, requesting information upon the subject of the African slave trade, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ABRAHAM LINCOLN.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas in and by the Constitution of the United States it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" and

Whereas a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas the Congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and

Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and to reinaugurate loyal State governments within and for their respective States:

Therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation and shall be of the tenor and effect following, to wit:

I, ——— ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress or by decision of the Supreme Court; and that I will in like manner

abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God.

The persons excepted from the benefits of the foregoing provisions are all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of said so-called Confederate Government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the Army or Navy of the United States and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year A. D. 1860, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall reestablish a State government which shall be republican and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "the United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion, and, on application of the legislature, or the executive (when the legislature can not be convened), against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such State government in relation to the freed people of such State which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.

And it is suggested as not improper that in constructing a loyal State government in any State the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws as before the rebellion be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions and which may be deemed expedient by those framing the new State government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And for the same reason it may be proper to further say that whether members sent to Congress from any State shall be admitted to seats constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive. And, still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended and loyal State governments have been subverted a mode in and by which the national authority and loyal State governments may be reestablished within said States or in any of them; and while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington, the 8th day of December, A. D. 1863, and of the Independence of the United States of America the eighty-eighth. [SEAL.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me through

an official communication of Señor Don Luis Molina, envoy extraordinary and minister plenipotentiary of the Republic of Nicaragua, under date of the 28th of November, 1863, that no other or higher duties of tonnage and impost have been imposed or levied since the 2d day of August, 1838, in the ports of Nicaragua upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Nicaraguan ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Abraham Lincoln, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of Nicaragua and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Nicaragua and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of Nicaragua in the same, as aforesaid, shall be continued on the part of the Government of Nicaragua.

Given under my hand at the city of Washington, the 16th day of December, A. D. 1863, and the eighty-eighth of the Independence of the United States. [SEAL.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation of the 19th of April, 1861, the ports of the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas were, for reasons therein set forth, placed under blockade; and

Whereas the port of Brownsville, in the district of Brazos Santiago, in the State of Texas, has since been blockaded, but as the blockade of said port may now be safely relaxed with advantage to the interests of commerce:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, pursuant to the authority in me vested by the fifth section of the act of Congress approved on the 13th of July, 1861, entitled "An act further to provide for the collection of duties on imports and

for other purposes," do hereby declare that the blockade of the said port of Brownsville shall so far cease and determine from and after this date that commercial intercourse with said port, except as to persons, things, and information hereinafter specified, may from this date be carried on subject to the laws of the United States, to the regulations prescribed by the Secretary of the Treasury, and, until the rebellion shall have been suppressed, to such orders as may be promulgated by the general commanding the department or by an officer duly authorized by him and commanding at said port. This proclamation does not authorize or allow the shipment or conveyance of persons in or intending to enter the service of the insurgents, or of things or information intended for their use or for their aid or comfort, nor, except upon the permission of the Secretary of War or of some officer duly authorized by him, of the following prohibited articles, namely: Cannon, mortars, firearms, pistols, bombs, grenades, powder, saltpeter, sulphur, balls, bullets, pikes, swords, boarding caps (always excepting the quantity of the said articles which may be necessary for the defense of the ship and those who compose the crew), saddles, bridles, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sailcloth of all kinds, hemp and cordage, intoxicating drinks other than beer and light native wines.

To vessels clearing from foreign ports and destined to the port of Brownsville, opened by this proclamation, licenses will be granted by consuls of the United States upon satisfactory evidence that the vessel so licensed will convey no persons, property, or information excepted or prohibited above either to or from the said port, which licenses shall be exhibited to the collector of said port immediately on arrival, and, if required, to any officer in charge of the blockade; and on leaving said port every vessel will be required to have a clearance from the collector of the customs, according to law, showing no violation of the conditions of the license. Any violations of said conditions will involve the forfeiture and condemnation of the vessel and cargo and the exclusion of all parties concerned from any further privilege of entering the United States during the war for any purpose whatever.

In all respects except as herein specified the existing blockade remains in full force and effect as hitherto established and maintained, nor is it relaxed by this proclamation except in regard to the port to which relaxation is or has been expressly applied.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of February, A. D. 1864, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become necessary to define the cases in which insurgent enemies are entitled to the benefits of the proclamation of the President of the United States which was made on the 8th day of December, 1863, and the manner in which they shall proceed to avail themselves of those benefits; and

Whereas the objects of that proclamation were to suppress the insurrection and to restore the authority of the United States; and

Whereas the amnesty therein proposed by the President was offered with reference to these objects alone:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby proclaim and declare that the said proclamation does not apply to the cases of persons who at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military, or naval authorities or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction, and that, on the contrary, it does apply only to those persons who, being yet at large and free from any arrest, confinement, or duress, shall voluntarily come forward and take the said oath with the purpose of restoring peace and establishing the national authority. Prisoners excluded from the amnesty offered in the said proclamation may apply to the President for clemency, like all other offenders, and their applications will receive due consideration.

I do further declare and proclaim that the oath prescribed in the aforesaid proclamation of the 8th of December, 1863, may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States or any civil or military officer of a State or Territory not in insurrection who by the laws thereof may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certificates thereon to the persons respectively by whom they are made, and such officers are hereby required to transmit the original records of such oaths at as early a day as may be convenient to the Department of State, where they will be deposited and remain in the archives of the Government. The Secretary of State will keep a register thereof, and will on application, in proper cases, issue certificates of such records in the customary form of official certificates.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 26th day of March, A. D. 1864, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

ABRAHAM LINCOLN, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur bearing date the 3d day of May, 1850, having been issued to Charles Hunt, a citizen of the United States, recognizing him as consul of Belgium for St. Louis, Mo., and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most favored nations in the United States, and the said Hunt having sought to screen himself from his military duty to his country in consequence of thus being invested with the consular functions of a foreign power in the United States, it is deemed advisable that the said Charles Hunt should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are, therefore, to declare that I no longer recognize the said Charles Hunt as consul of Belgium for St. Louis, Mo., and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to consuls of that nation, and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, this 19th day of May, A. D. 1864, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a proclamation which was issued on the 15th day of April, 1861, the President of the United States announced and declared that the laws of the United States had been for some time past, and then were, opposed and the execution thereof obstructed in certain States therein mentioned by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law; and

Whereas immediately after the issuing of the said proclamation the land and naval forces of the United States were put into activity to suppress the said insurrection and rebellion; and

Whereas the Congress of the United States by an act approved on the 3d day of March, 1863, did enact that during the said rebellion the

President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or in any part thereof; and

Whereas the said insurrection and rebellion still continue, endangering the existence of the Constitution and Government of the United States; and

Whereas the military forces of the United States are now actively engaged in suppressing the said insurrection and rebellion in various parts of the States where the said rebellion has been successful in obstructing the laws and public authorities, especially in the States of Virginia and Georgia; and

Whereas on the 15th day of September last the President of the United States duly issued his proclamation, wherein he declared that the privilege of the writ of *habeas corpus* should be suspended throughout the United States in the cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen enrolled or drafted or mustered or enlisted in or belonging to the land or naval forces of the United States, or as deserters therefrom, or otherwise amenable to military law or the rules and articles of war or the rules or regulations prescribed for the military or naval services by authority of the President of the United States, or for resisting a draft, or for any other offense against the military or naval service; and

Whereas many citizens of the State of Kentucky have joined the forces of the insurgents, and such insurgents have on several occasions entered the said State of Kentucky in large force, and, not without aid and comfort furnished by disaffected and disloyal citizens of the United States residing therein, have not only greatly disturbed the public peace, but have overborne the civil authorities and made flagrant civil war, destroying property and life in various parts of that State; and

Whereas it has been made known to the President of the United States by the officers commanding the national armies that combinations have been formed in the said State of Kentucky with a purpose of inciting rebel forces to renew the said operations of civil war within the said State and thereby to embarrass the United States armies now operating in the said States of Virginia and Georgia and even to endanger their safety:

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the authority vested in me by the Constitution and laws, do hereby declare that in my judgment the public safety especially requires that the suspension of the privilege of the writ of *habeas corpus*, so proclaimed in the said proclamation of the 15th of September, 1863, be made

effectual and be duly enforced in and throughout the said State of Kentucky, and that martial law be for the present established therein. I do therefore hereby require of the military officers in the said State that the privileges of the writ of *habeas corpus* be effectually suspended within the said State, according to the aforesaid proclamation, and that martial law be established therein, to take effect from the date of this proclamation, the said suspension and establishment of martial law to continue until this proclamation shall be revoked or modified, but not beyond the period when the said rebellion shall have been suppressed or come to an end. And I do hereby require and command as well all military officers as all civil officers and authorities existing or found within the said State of Kentucky to take notice of this proclamation and to give full effect to the same.

The martial law herein proclaimed and the things in that respect herein ordered will not be deemed or taken to interfere with the holding of lawful elections, or with the proceedings of the constitutional legislature of Kentucky, or with the administration of justice in the courts of law existing therein between citizens of the United States in suits or proceedings which do not affect the military operations or the constituted authorities of the Government of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 5th day of July, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas the Senate and House of Representatives at their last session adopted a concurrent resolution, which was approved on the 2d day of July instant and which was in the words following, namely:

That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the Executive Departments to unite with him as Chief Magistrate of the nation, at the city of Washington, and the members of Congress, and all magistrates, all civil, military, and naval officers, all soldiers, sailors, and marines, with all loyal and law-abiding people, to convene at their usual places of worship, or wherever they may be, to confess and to repent of their manifold sins; to implore the compassion and forgiveness of the Almighty, that, if consistent with His will, the existing rebellion may be speedily suppressed and the supremacy of the Constitution and laws of the United States may be established throughout all the States; to implore

Him, as the Supreme Ruler of the World, not to destroy us as a people, nor suffer us to be destroyed by the hostility or connivance of other nations or by obstinate adhesion to our own counsels, which may be in conflict with His eternal purposes, and to implore Him to enlighten the mind of the nation to know and do His will, humbly believing that it is in accordance with His will that our place should be maintained as a united people among the family of nations; to implore Him to grant to our armed defenders and the masses of the people that courage, power of resistance, and endurance necessary to secure that result; to implore Him in His infinite goodness to soften the hearts, enlighten the minds, and quicken the consciences of those in rebellion, that they may lay down their arms and speedily return to their allegiance to the United States, that they may not be utterly destroyed, that the effusion of blood may be stayed, and that unity and fraternity may be restored and peace established throughout all our borders:

Now, therefore, I, Abraham Lincoln, President of the United States, cordially concurring with the Congress of the United States in the penitential and pious sentiments expressed in the aforesaid resolution and heartily approving of the devotional design and purpose thereof, do hereby appoint the first Thursday of August next to be observed by the people of the United States as a day of national humiliation and prayer.

I do hereby further invite and request the heads of the Executive Departments of this Government, together with all legislators, all judges and magistrates, and all other persons exercising authority in the land, whether civil, military, or naval, and all soldiers, seamen, and marines in the national service, and all the other loyal and law-abiding people of the United States, to assemble in their preferred places of public worship on that day, and there and then to render to the almighty and merciful Ruler of the Universe such homages and such confessions and to offer to Him such supplications as the Congress of the United States have in their aforesaid resolution so solemnly, so earnestly, and so reverently recommended.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 7th day of July, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas at the late session Congress passed a bill "to guarantee to certain States whose governments have been usurped or overthrown a republican form of government," a copy of which is hereunto annexed; and

Whereas the said bill was presented to the President of the United

States for his approval less than one hour before the *sine die* adjournment of said session, and was not signed by him; and

Whereas the said bill contains, among other things, a plan for restoring the States in rebellion to their proper practical relation in the Union, which plan expresses the sense of Congress upon that subject, and which plan it is now thought fit to lay before the people for their consideration:

Now, therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known that while I am (as I was in December last, when, by proclamation, I propounded a plan for restoration) unprepared by a formal approval of this bill to be inflexibly committed to any single plan of restoration, and while I am also unprepared to declare that the free State constitutions and governments already adopted and installed in Arkansas and Louisiana shall be set aside and held for naught, thereby repelling and discouraging the loyal citizens who have set up the same as to further effort, or to declare a constitutional competency in Congress to abolish slavery in States, but am at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted, nevertheless I am fully satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any State choosing to adopt it, and that I am and at all times shall be prepared to give the Executive aid and assistance to any such people so soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have sufficiently returned to their obedience to the Constitution and the laws of the United States, in which cases military governors will be appointed with directions to proceed according to the bill.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of July, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

[H. R. 244, Thirty-eighth Congress, first sessio 1.]

AN ACT to guarantee to certain States whose governments have been usurped or overthrown a republican form of government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the States declared in rebellion against the United States the President shall, by and with the advice and consent of the Senate, appoint for each a provisional governor, whose pay and emoluments shall not exceed that of a brigadier-general of volunteers, who shall be charged with the civil administration of such State until a State government therein shall be recognized as hereinafter provided.

SEC. 2. *And be it further enacted*, That so soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have sufficiently returned to their obedience to the Constitution and the laws of the United States the provisional governor shall direct the marshal of the United States, as speedily as may be, to name a sufficient number of deputies, and to enroll all white male citizens of the United States resident in the State in their respective counties, and to request each one to take the oath to support the Constitution of the United States, and in his enrollment to designate those who take and those who refuse to take that oath, which rolls shall be forthwith returned to the provisional governor; and if the persons taking that oath shall amount to a majority of the persons enrolled in the State, he shall, by proclamation, invite the loyal people of the State to elect delegates to a convention charged to declare the will of the people of the State relative to the reestablishment of a State government, subject to and in conformity with the Constitution of the United States.

SEC. 3. *And be it further enacted*, That the convention shall consist of as many members as both houses of the last constitutional State legislature, apportioned by the provisional governor among the counties, parishes, or districts of the State, in proportion to the white population returned as electors by the marshal in compliance with the provisions of this act. The provisional governor shall, by proclamation, declare the number of delegates to be elected by each county, parish, or election district; name a day of election not less than thirty days thereafter; designate the places of voting in each county, parish, or district, conforming as nearly as may be convenient to the places used in the State elections next preceding the rebellion; appoint one or more commissioners to hold the election at each place of voting, and provide an adequate force to keep the peace during the election.

SEC. 4. *And be it further enacted*, That the delegates shall be elected by the loyal white male citizens of the United States of the age of 21 years, and resident at the time in the county, parish, or district in which they shall offer to vote, and enrolled as aforesaid, or absent in the military service of the United States, and who shall take and subscribe the oath of allegiance to the United States in the form contained in the act of Congress of July 2, 1862; and all such citizens of the United States who are in the military service of the United States shall vote at the headquarters of their respective commands, under such regulations as may be prescribed by the provisional governor for the taking and return of their votes; but no person who has held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States, shall vote or be eligible to be elected as delegate at such election.

SEC. 5. *And be it further enacted*, That the said commissioners, or either of them, shall hold the election in conformity with this act, and, so far as may be consistent therewith, shall proceed in the manner used in the State prior to the rebellion. The oath of allegiance shall be taken and subscribed on the poll book by every voter in the form above prescribed, but every person known by or proved to the commissioners to have held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or to have voluntarily borne arms against the United States, shall be excluded though he offer to take the oath; and in case any person who shall have borne arms against the United States shall offer to vote, he shall be deemed to have borne arms voluntarily unless he shall prove the contrary by the testimony of a qualified voter. The poll book, showing the name and oath of each voter, shall be returned to the provisional governor by the commissioners of election, or the one acting, and the provisional governor shall canvass such returns and declare the person having the highest number of votes elected.

SEC. 6. *And be it further enacted*, That the provisional governor shall, by proclamation, convene the delegates elected as aforesaid at the capital of the State on a day not more than three months after the election, giving at least thirty days' notice

of such day. In case the said capital shall in his judgment be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the convention and administer to each delegate, before taking his seat in the convention, the oath of allegiance to the United States in the form above prescribed.

SEC. 7. *And be it further enacted*, That the convention shall declare on behalf of the people of the State their submission to the Constitution and laws of the United States, and shall adopt the following provisions, hereby prescribed by the United States in the execution of the constitutional duty to guarantee a republican form of government to every State, and incorporate them in the constitution of the State; that is to say:

First. No person who has held or exercised any office, civil or military (except offices merely ministerial and military offices below the grade of colonel), State or Confederate, under the usurping power, shall vote for or be a member of the legislature or governor.

Second. Involuntary servitude is forever prohibited, and the freedom of all persons is guaranteed in said State.

Third. No debt, State or Confederate, created by or under the sanction of the usurping power shall be recognized or paid by the State.

SEC. 8. *And be it further enacted*, That when the convention shall have adopted those provisions it shall proceed to reestablish a republican form of government and ordain a constitution containing those provisions, which, when adopted, the convention shall by ordinance provide for submitting to the people of the State entitled to vote under this law, at an election to be held in the manner prescribed by the act for the election of delegates, but at a time and place named by the convention, at which election the said electors, and none others, shall vote directly for or against such constitution and form of State government. And the returns of said election shall be made to the provisional governor, who shall canvass the same in the presence of the electors, and if a majority of the votes cast shall be for the constitution and form of government, he shall certify the same, with a copy thereof, to the President of the United States, who, after obtaining the assent of Congress, shall, by proclamation, recognize the government so established, and none other, as the constitutional government of the State; and from the date of such recognition, and not before, Senators and Representatives and electors for President and Vice-President may be elected in such State, according to the laws of the State and of the United States.

SEC. 9. *And be it further enacted*, That if the convention shall refuse to reestablish the State government on the conditions aforesaid the provisional governor shall declare it dissolved; but it shall be the duty of the President, whenever he shall have reason to believe that a sufficient number of the people of the State entitled to vote under this act, in number not less than a majority of those enrolled as aforesaid, are willing to reestablish a State government on the conditions aforesaid, to direct the provisional governor to order another election of delegates to a convention for the purpose and in the manner prescribed in this act, and to proceed in all respects as hereinbefore provided, either to dissolve the convention or to certify the State government reestablished by it to the President.

SEC. 10. *And be it further enacted*, That until the United States shall have recognized a republican form of State government the provisional governor in each of said States shall see that this act and the laws of the United States and the laws of the State in force when the State government was overthrown by the rebellion are faithfully executed within the State; but no law or usage whereby any person was heretofore held in involuntary servitude shall be recognized or enforced by any court or officer in such State; and the laws for the trial and punishment of white persons shall extend to all persons, and jurors shall have the qualifications of voters under this law for delegates to the convention. The President shall appoint such

officer provided for by the laws of the State when its government was overthrown as he may find necessary to the civil administration of the State, all which officers shall be entitled to receive the fees and emoluments provided by the State laws for such officers.

SEC. 11. *And be it further enacted*, That until the recognition of a State government as aforesaid the provisional governor shall, under such regulations as he may prescribe, cause to be assessed, levied, and collected, for the year 1864 and every year thereafter, the taxes provided by the laws of such State to be levied during the fiscal year preceding the overthrow of the State government thereof, in the manner prescribed by the laws of the State, as nearly as may be; and the officers appointed as aforesaid are vested with all powers of levying and collecting such taxes, by distress or sale, as were vested in any officers or tribunal of the State government aforesaid for those purposes. The proceeds of such taxes shall be accounted for to the provisional governor and be by him applied to the expenses of the administration of the laws in such State, subject to the direction of the President, and the surplus shall be deposited in the Treasury of the United States to the credit of such State, to be paid to the State upon an appropriation therefor to be made when a republican form of government shall be recognized therein by the United States.

SEC. 12. *And be it further enacted*, That all persons held to involuntary servitude or labor in the States aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such persons or their posterity shall be restrained of liberty under pretense of any claim to such service or labor, the courts of the United States shall, on *habeas corpus*, discharge them.

SEC. 13. *And be it further enacted*, That if any person declared free by this act, or any law of the United States or any proclamation of the President, be restrained of liberty with intent to be held in or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than $1,500 and be imprisoned not less than five nor more than twenty years.

SEC. 14. *And be it further enacted*, That every person who shall hereafter hold or exercise any office, civil or military (except offices merely ministerial and military offices below the grade of colonel), in the rebel service, State or Confederate, is hereby declared not to be a citizen of the United States.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the act approved July 4, 1864, entitled "An act further to regulate and provide for the enrolling and calling out the national forces and for other purposes," it is provided that the President of the United States may, "at his discretion, at any time hereafter, call for any number of men, as volunteers for the respective terms of one, two, and three years for military service," and "that in case the quota or any part thereof of any town, township, ward of a city, precinct, or election district, or of a county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota or any part thereof which may be unfilled;" and

Whereas the new enrollment heretofore ordered is so far completed as

that the aforementioned act of Congress may now be put in operation for recruiting and keeping up the strength of the armies in the field, for garrisons, and such military operations as may be required for the purpose of suppressing the rebellion and restoring the authority of the United States Government in the insurgent States:

Now, therefore, I, Abraham Lincoln, President of the United States, do issue this my call for 500,000 volunteers for the military service: *Provided, nevertheless,* That this call shall be reduced by all credits which may be established under section 8 of the aforesaid act on account of persons who have entered the naval service during the present rebellion and by credits for men furnished to the military service in excess of calls heretofore made. Volunteers will be accepted under this call for one, two, or three years, as they may elect, and will be entitled to the bounty provided by the law for the period of service for which they enlist.

And I hereby proclaim, order, and direct that immediately after the 5th day of September, 1864, being fifty days from the date of this call, a draft for troops to serve for one year shall be had in every town, township, ward of a city, precinct, or election district, or county not so subdivided, to fill the quota which shall be assigned to it under this call or any part thereof which may be unfilled by volunteers on the said 5th day of September, 1864.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress of the 28th of September, 1850, entitled "An act to create additional collection districts in the State of California, and to change the existing districts therein, and to modify the existing collection districts in the United States," extends to merchandise warehoused under bond the privilege of being exported to the British North American Provinces adjoining the United States in the manner prescribed in the act of Congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides "that such other ports, situated on the frontiers of the United States adjoining the British North American Provinces, as may hereafter be

found expedient may have extended to them the like privileges on the recommendation of the Secretary of the Treasury and proclamation duly made by the President of the United States specially designating the ports to which the aforesaid privileges are to be extended:''

Now, therefore, I, Abraham Lincoln, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the port of Newport, in the State of Vermont, is and shall be entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States which are extended to the ports enumerated in the seventh section of the act of Congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of August, A. D. 1864, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

It has pleased Almighty God to prolong our national life another year, defending us with His guardian care against unfriendly designs from abroad and vouchsafing to us in His mercy many and signal victories over the enemy, who is of our own household. It has also pleased our Heavenly Father to favor as well our citizens in their homes as our soldiers in their camps and our sailors on the rivers and seas with unusual health. He has largely augmented our free population by emancipation and by immigration, while He has opened to us new sources of wealth and has crowned the labor of our workingmen in every department of industry with abundant rewards. Moreover, He has been pleased to animate and inspire our minds and hearts with fortitude, courage, and resolution sufficient for the great trial of civil war into which we have been brought by our adherence as a nation to the cause of freedom and humanity, and to afford to us reasonable hopes of an ultimate and happy deliverance from all our dangers and afflictions:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby appoint and set apart the last Thursday in November next as a day which I desire to be observed by all my fellow-citizens, wherever they may then be, as a day of thanksgiving and praise to Almighty God,

FIGHTING A WAY THROUGH THE WILDERNESS

Sharing Rations After Appomattox

FIGHTING A WAY THROUGH THE WILDERNESS

From May 3d, when Grant led the Army of the Potomac across the Rapidan into the Wilderness to crush Lee, until June 12th, when he led it across the James, they fought incessantly. His losses (54,929 men) were almost equal to the number of Lee's army when the fighting began.

This illustration truthfully portrays the character of the fighting. Artillery could not be used effectually, and it was hand-to-hand for the most part. Yet, in spite of the horrors of constant battle, in spite of the brush-fires that consumed the wounded, in spite of privation, when Grant rode along the lines he was cheered tumultuously. The army reached a fork in the road; to turn one way meant retreat, to turn the other meant an advance on Richmond; and when the column set its face toward the rebel capital the men shouted with joy.

For accounts of the terrific fighting, see the articles in the Encyclopedic Index, entitled "Wilderness (Va.), Battle of," "Spottsylvania Court House (Va.), Battle of," and "Cold Harbor (Va.), Battle of."

the beneficent Creator and Ruler of the Universe. And I do further recommend to my fellow-citizens aforesaid that on that occasion they do reverently humble themselves in the dust and from thence offer up penitent and fervent prayers and supplications to the Great Disposer of Events for a return of the inestimable blessings of peace, union, and harmony throughout the land which it has pleased Him to assign as a dwelling place for ourselves and for our posterity throughout all generations.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of October, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States passed an act, which was approved on the 21st day of March last, entitled "An act to enable the people of Nevada to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States;" and

Whereas the said constitution and State government have been formed, pursuant to the conditions prescribed by the fifth section of the act of Congress aforesaid, and the certificate required by the said act and also a copy of the constitution and ordinances have been submitted to the President of the United States:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, in accordance with the duty imposed upon me by the act of Congress aforesaid, do hereby declare and proclaim that the said State of Nevada is admitted into the Union on an equal footing with the original States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 31st day of October, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

By the President of the United States of America.

A PROCLAMATION.

Whereas by my proclamation of the 19th of April, 1861, it was declared that the ports of certain States, including those of Norfolk, in the State of Virginia, Fernandina and Pensacola, in the State of Florida, were, for reasons therein set forth, intended to be placed under blockade; and

Whereas the said ports were subsequently blockaded accordingly, but having for some time past been in the military possession of the United States, it is deemed advisable that they should be opened to domestic and foreign commerce:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, pursuant to the authority in me vested by the fifth section of the act of Congress approved on the 13th of July, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," do hereby declare that the blockade of the said ports of Norfolk, Fernandina, and Pensacola shall so far cease and determine, from and after the 1st day of December next, that commercial intercourse with those ports, except as to persons, things, and information contraband of war, may from that time be carried on, subject to the laws of the United States, to the limitations and in pursuance of the regulations which may be prescribed by the Secretary of the Treasury, and to such military and naval regulations as are now in force or may hereafter be found necessary.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of November, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, D. C., December 7, 1863.

Reliable information being received that the insurgent force is retreating from east Tennessee under circumstances rendering it probable that the Union forces can not hereafter be dislodged from that important position, and esteeming this to be of high national consequence, I recommend

that all loyal people do, on receipt of this information, assemble at their places of worship and render special homage and gratitude to Almighty God for this great advancement of the national cause.

A. LINCOLN.

GENERAL ORDERS, No. 398.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 21, 1863.

The following joint resolution by the Senate and House of Representatives of the United States is published to the Army:

JOINT RESOLUTION of thanks to Major-General Ulysses S. Grant and the officers and soldiers who have fought under his command during this rebellion, and providing that the President of the United States shall cause a medal to be struck, to be presented to Major-General Grant in the name of the people of the United States of America.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they hereby are, presented to Major-General Ulysses S. Grant, and through him to the officers and soldiers who have fought under his command during this rebellion, for their gallantry and good conduct in the battles in which they have been engaged; and that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to Major-General Grant.

SEC. 2. *And be it further resolved*, That when the said medal shall have been struck the President shall cause a copy of this joint resolution to be engrossed on parchment, and shall transmit the same, together with the said medal, to Major-General Grant, to be presented to him in the name of the people of the United States of America.

SEC. 3. *And be it further resolved*, That a sufficient sum of money to carry this resolution into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
H. HAMLIN,
Vice-President of the United States and President of the Senate.

Approved, December 17, 1863.

ABRAHAM LINCOLN.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION, *January 9, 1864.*

Information having been received that Caleb B. Smith, late Secretary of the Interior, has departed this life at his residence in Indiana, it is ordered that the executive buildings at the seat of the Government be draped in mourning for the period of fourteen days in honor of his memory

as a prudent and loyal counselor and a faithful and effective coadjutor of the Administration in a time of public difficulty and peril.

The Secretary of State will communicate a copy of this order to the family of the deceased, together with proper expressions of the profound sympathy of the President and the heads of Departments in their irreparable bereavement.

ABRAHAM LINCOLN.

WAR DEPARTMENT,
Washington City, January 12, 1864.

It is hereby ordered, That all orders and records relating to the Missouri troops, designated, respectively, as Missouri State Militia (M. S. M.) and as Enrolled Missouri Militia (E. M. M.), and which are or have been on file in the offices of the adjutant-generals or their assistants at the different headquarters located in the State of Missouri, shall be open to the inspection of the general assembly of Missouri or of persons commissioned by it, and that copies of such records be furnished them when called for.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION, *February 1, 1864.*

Ordered, That a draft for 500,000 men, to serve for three years or during the war, be made on the 10th day of March next for the military service of the United States, crediting and deducting therefrom so many as may have been enlisted or drafted into the service prior to the 1st day of March and not heretofore credited.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *February 1, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: You are directed to have a transport (either a steam or sailing vessel, as may be deemed proper by the Quartermaster-General) sent to the colored colony established by the United States at the island of Vache, on the coast of San Domingo, to bring back to this country such of the colonists there as desire to return. You will have the transport furnished with suitable supplies for that purpose, and detail an officer of the Quartermaster's Department, who, under special instructions to be given, shall have charge of the business. The colonists will be brought to Washington, unless otherwise hereafter directed, and be employed and

provided for at the camps for colored persons around that city. Those only will be brought from the island who desire to return, and their effects will be brought with them.

ABRAHAM LINCOLN.

GENERAL ORDERS, No. 76.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 26, 1864.

SENTENCE OF DESERTERS.

The President directs that the sentences of all deserters who have been condemned by court-martial to death, and that have not been otherwise acted upon by him, be mitigated to imprisonment during the war at the Dry Tortugas, Florida, where they will be sent under suitable guards by orders from army commanders.

The commanding generals, who have power to act on proceedings of courts-martial in such cases, are authorized in special cases to restore to duty deserters under sentence, when in their judgment the service will be thereby benefited.

Copies of all orders issued under the foregoing instructions will be immediately forwarded to the Adjutant-General and to the Judge-Advocate-General.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, March 7, 1864.

Whereas by an Executive order of the 10th of November last permission was given to export certain tobacco belonging to the French Government from insurgent territory, which tobacco was supposed to have been purchased and paid for prior to the 4th day of March, 1861; but whereas it was subsequently ascertained that a part at least of the said tobacco had been purchased subsequently to that date, which fact made it necessary to suspend the carrying into effect of the said order; but whereas, pursuant to mutual explanations, a satisfactory understanding upon the subject has now been reached, it is directed that the order aforesaid may be carried into effect, it being understood that the quantity of French tobacco so to be exported shall not exceed 7,000 hogsheads, and that it is the same tobacco respecting the exportation of which application was originally made by the French Government.

ABRAHAM LINCOLN.

In pursuance of the provisions of section 14 of the act of Congress entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, authorizing and directing the President of the United States to fix the point on the western boundary of the State of Iowa from which the Union Pacific Railroad Company is by said section authorized and required to construct a single line of railroad and telegraph upon the most direct and practicable route, subject to the approval of the President of the United States, so as to form a connection with the lines of said company at some point on the one hundredth meridian of longitude in said section named, I, Abraham Lincoln, President of the United States, do, upon the application of the said company, designate and establish such first above-named point on the western boundary of the State of Iowa east of and opposite to the east line of section 10, in township 15 north, of range 13 east, of the sixth principal meridian, in the Territory of Nebraska.

Done at the city of Washington, this 7th day of March, A. D. 1864.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, D. C., March 10, 1864.

Under the authority of an act of Congress to revive the grade of lieutenant-general in the United States Army, approved February 29, 1864, Lieutenant-General Ulysses S. Grant, United States Army, is assigned to the command of the armies of the United States.

ABRAHAM LINCOLN.

GENERAL ORDERS, No. 98.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 12, 1864.

The President of the United States orders as follows:

I. Major-General H. W. Halleck is, at his own request, relieved from duty as General in Chief of the Army, and Lieutenant-General U. S. Grant is assigned to the command of the armies of the United States. The headquarters of the Army will be in Washington and also with Lieutenant-General Grant in the field.

II. Major-General H. W. Halleck is assigned to duty in Washington as chief of staff of the Army, under the direction of the Secretary of War and the Lieutenant-General Commanding. His orders will be obeyed and respected accordingly.

III. Major-General W. T. Sherman is assigned to the command of the Military Division of the Mississippi, composed of the departments of the Ohio, the Cumberland, the Tennessee and the Arkansas.

IV. Major-General J. B. McPherson is assigned to the command of the Department and Army of the Tennessee.

V. In relieving Major-General Halleck from duty as General in Chief, the President desires to express his approbation and thanks for the able and zealous manner in which the arduous and responsible duties of that position have been performed.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, March 14, 1864.

In order to supply the force required to be drafted for the Navy and to provide an adequate reserve force for all contingencies, in addition to the 500,000 men called for February 1, 1864, a call is hereby made and a draft ordered for 200,000 men for the military service (Army, Navy, and Marine Corps) of the United States.

The proportional quotas for the different wards, towns, townships, precincts, or election districts, or counties, will be made known through the Provost-Marshal-General's Bureau, and account will be taken of the credits and deficiencies on former quotas.

The 15th day of April, 1864, is designated as the time up to which the numbers required from each ward of a city, town, etc., may be raised by voluntary enlistment, and drafts will be made in each ward of a city, town, etc., which shall not have filled the quota assigned to it within the time designated for the number required to fill said quotas. The drafts will be commenced as soon after the 15th of April as practicable.

The Government bounties as now paid continue until April 1, 1864, at which time the additional bounties cease. On and after that date $100 bounty only will be paid, as provided by the act approved July 22, 1861.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *April 2, 1864.*

Ordered, That the Executive order of September 4, 1863, in relation to the exportation of live stock from the United States, be so extended as to prohibit the exportation of all classes of salted provisions from any part of the United States to any foreign port, except that meats cured, salted, or packed in any State or Territory bordering on the Pacific Ocean may be exported from any port of such State or Territory.

ABRAHAM LINCOLN.

The PRESIDENT OF THE UNITED STATES:

I. The governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin offer to the President infantry troops for the approaching campaign as follows:

Ohio	30,000
Indiana	20,000
Illinois	20,000
Iowa	10,000
Wisconsin	5,000

II. The term of service to be one hundred days, reckoning from the date of muster into the service of the United States, unless sooner discharged.

III. The troops to be mustered into the service of the United States by regiments, when the regiments are filled up, according to regulations, to the minimum strength, the regiments to be organized according to the regulations of the War Department. The whole number to be furnished within twenty days from date of notice of the acceptance of this proposition.

IV. The troops to be clothed, armed, equipped, subsisted, transported, and paid as other United States infantry volunteers, and to serve in fortifications, or wherever their services may be required, within or without their respective States.

V. No bounty to be paid the troops, nor the service charged or credited on any draft.

VI. The draft for three years' service to go on in any State or district where the quota is not filled up; but if any officer or soldier in this special service should be drafted he shall be credited for the service rendered.

JOHN BROUGH,
Governor of Ohio.

O. P. MORTON,
Governor of Indiana.

RICHARD YATES,
Governor of Illinois.

WM. M. STONE,
Governor of Iowa.

JAMES T. LEWIS,
Governor of Wisconsin.

APRIL 23, 1864.

The foregoing proposition of the governors is accepted, and the Secretary of War is directed to carry it into execution.

A. LINCOLN.

EXECUTIVE MANSION,
Washington, May 9, 1864.

To the Friends of the Union and Liberty:

Enough is known of the army operations within the last five days to claim our especial gratitude to God, while what remains undone demands our most sincere prayers to and reliance upon Him, without whom all human efforts are in vain. I recommend that all patriots, at their homes, in their places of public worship, and wherever they may be, unite in common thanksgiving and prayer to Almighty God.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, May 18, 1864.

Major-General JOHN A. DIX,
Commanding at New York:

Whereas there has been wickedly and traitorously printed and published this morning in the New York World and New York Journal of Commerce, newspapers printed and published in the city of New York, a false and spurious proclamation purporting to be signed by the President and to be countersigned by the Secretary of State, which publication is of a treasonable nature, designed to give aid and comfort to the enemies of the United States and to the rebels now at war against the Government and their aiders and abettors, you are therefore hereby commanded forthwith to arrest and imprison in any fort or military prison in your command the editors, proprietors, and publishers of the aforesaid newspapers, and all such persons as, after public notice has been given of the falsehood of said publication, print and publish the same with intent to give aid and comfort to the enemy; and you will hold the persons so arrested in close custody until they can be brought to trial before a military commission for their offense. You will also take possession by military force of the printing establishments of the New York World and Journal of Commerce, and hold the same until further orders, and prohibit any further publication therefrom.

A. LINCOLN.

EXECUTIVE MANSION, *Washington, D. C.*

The President of the United States directs that the four persons whose names follow, to wit, Hon. Clement C. Clay, Hon. Jacob Thompson, Professor James P. Holcombe, George N. Sanders, shall have safe conduct to the city of Washington in company with the Hon. Horace Greeley, and shall be exempt from arrest or annoyance of any kind from any officer of the United States during their journey to the said city of Washington.

By order of the President:

JOHN HAY,
Major and Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, July 18, 1864.

To whom it may concern:

Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the executive government of the United States, and will be met by liberal terms on other substantial and collateral points; and the bearer or bearers thereof shall have safe conduct both ways.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *Washington, August 31, 1864.*

Any person or persons engaged in bringing out cotton, in strict conformity with authority given by W. P. Fessenden, Secretary of the United States Treasury, must not be hindered by the War, Navy, or any other Department of the Government or any person engaged under any of said Departments.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *September 3, 1864.*

The national thanks are tendered by the President to Major-General William T. Sherman and the gallant officers and soldiers of his command before Atlanta for the distinguished ability, courage, and perseverance displayed in the campaign in Georgia, which, under divine favor, has resulted in the capture of the city of Atlanta. The marches, battles, sieges, and other military operations that have signalized this campaign must render it famous in the annals of war, and have entitled those who have participated therein to the applause and thanks of the nation.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington City, September 3, 1864.

Ordered, first. That on Monday, the 5th day of September, commencing at the hour of 12 o'clock noon, there shall be given a salute of 100 guns at the arsenal and navy-yard at Washington, and on Tuesday, the 6th of September, or on the day after the receipt of this order, at each arsenal and navy-yard in the United States, for the recent brilliant achievements of the fleet and land forces of the United States in the harbor of Mobile and in the reduction of Fort Powell, Fort Gaines, and Fort Morgan. The Secretary of War and Secretary of the Navy will issue the necessary directions in their respective Departments for the execution of this order.

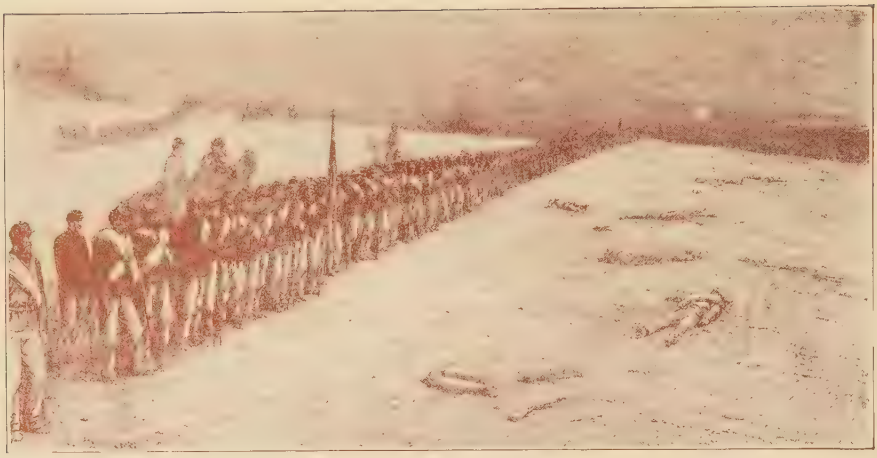
Second. That on Wednesday, the 7th day of September, commencing at the hour of 12 o'clock noon, there shall be fired a salute of 100 guns at the arsenal at Washington, and at New York, Boston, Philadelphia, Baltimore, Pittsburg, Newport, Ky., and St. Louis, and at New Orleans, Mobile, Pensacola, Hilton Head, and New Berne the day after the receipt of this order, for the brilliant achievements of the army under command of Major-General Sherman in the State of Georgia and the capture of Atlanta. The Secretary of War will issue directions for the execution of this order.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *Washington, September 3, 1864.*

The signal success that Divine Providence has recently vouchsafed to the operations of the United States fleet and army in the harbor of

THE BATTLE OF ATLANTA, GEORGIA



The Halt of the Battle Line

BATTLE OF ATLANTA

"On the night of July 21, 1864, General Hood transferred his forces before Atlanta to a point near Decatur, about five miles east of Atlanta. Sherman came up, and finding the works on Peach Tree Creek abandoned, proceeded to invest the city. At 11 a.m. of the 22d Hood surprised the left wing of Sherman's army, under McPherson, by a sudden movement from Decatur. The whole line was soon engaged. General McPherson was killed in the action, and the command of the Army of the Tennessee devolved upon General Logan. After four hours of fighting the Confederates retired into their main works about Atlanta, leaving their dead and wounded on the field. The total Confederate loss was estimated at about 8,000. The Federal loss was 3,722 killed, wounded and missing. Sherman now drew his lines closely around Atlanta and prepared for a siege, but was unable to cut off Confederate supplies from Macon. August 25th he gave up the idea of a direct siege. September 1st, however, a part of Hood's forces under Hardee having been repulsed at Jonesboro, Hood blew up his magazines and evacuated the city."

Reproduced from the encyclopedic index (volume eleven), which contains an account of every notable engagement in which our troops have fought. Under "Battles" is a list of these accounts, which, of course, appear in their alphabetical places.

Mobile, and the reduction of Fort Powell, Fort Gaines, and Fort Morgan, and the glorious achievements of the army under Major-General Sherman in the State of Georgia, resulting in the capture of the city of Atlanta, call for devout acknowledgment to the Supreme Being, in whose hands are the destinies of nations. It is therefore requested that on next Sunday, in all places of public worship in the United States, thanksgiving be offered to Him for His mercy in preserving our national existence against the insurgent rebels who so long have been waging a cruel war against the Government of the United States for its overthrow; and also that prayer be made for the divine protection to our brave soldiers and their leaders in the field, who have so often and so gallantly periled their lives in battling with the enemy, and for blessing and comfort from the Father of Mercies to the sick, wounded, and prisoners, and to the orphans and widows of those who have fallen in the service of their country; and that He will continue to uphold the Government of the United States against all the efforts of public enemies and secret foes.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *September 3, 1864.*

The national thanks are tendered by the President to Admiral Farragut and Major-General Canby for the skill and harmony with which the recent operations in Mobile Harbor and against Fort Powell, Fort Gaines, and Fort Morgan were planned and carried into execution; also to Admiral Farragut and Major-General Granger, under whose immediate command they were conducted, and to the gallant commanders on sea and land, and to the sailors and soldiers engaged in the operations, for their energy and courage, which, under the blessing of Providence, have been crowned with brilliant success and have won for them the applause and thanks of the nation.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington City, September 10, 1864.

The term of one hundred days for which the National Guard of Ohio volunteered having expired, the President directs an official acknowledgment to be made of their patriotic and valuable services during the recent campaigns. The term of service of their enlistment was short, but distinguished by memorable events. In the Valley of the Shenandoah, on the Peninsula, in the operations on the James River, around Petersburg and Richmond, in the battle of Monocacy, and in the intrenchments of Washington, and in other important service, the National Guard of Ohio performed with alacrity the duty of patriotic volunteers, for which they are entitled to and are hereby tendered, through the governor of their State, the national thanks.

The Secretary of War is directed to transmit a copy of this order to the governor of Ohio and to cause a certificate of their honorable service to be delivered to the officers and soldiers of the Ohio National Guard who recently served in the military force of the United States as volunteers for one hundred days.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *September 24, 1864.*

I. Congress having authorized the purchase for the United States of the product of States declared in insurrection, and the Secretary of the Treasury having designated New Orleans, Memphis, Nashville, Pensacola, Port Royal, Beaufort, N. C., and Norfolk as places of purchase, and with my approval appointed agents and made regulations under which said products may be purchased: Therefore,

II. All persons, except such as may be in the civil, military, or naval service of the Government, having in their possession any products of States declared in insurrection which said agents are authorized to purchase, and all persons owning or controlling such products therein, are authorized to convey such products to either of the places which have been hereby or may hereafter be designated as places of purchase, and such products so destined shall not be liable to detention, seizure, or forfeiture while *in transitu* or in store awaiting transportation.

III. Any person having the certificate of a purchasing agent, as prescribed by Treasury Regulations, VIII, is authorized to pass, with the necessary means of transportation, to the points named in said certificate, and to return therefrom with the products required for the fulfillment of the stipulations set forth in said certificate.

IV. Any person having sold and delivered to a purchasing agent any products of an insurrectionary State in accordance with the regulations in relation thereto, and having in his possession a certificate setting forth the fact of such purchase and sale, the character and quantity of products, and the aggregate amount paid therefor, as prescribed by Regulation IX, shall be permitted by the military authority commanding at the place of sale to purchase from any authorized dealer at such place, or any other place in a loyal State, merchandise and other articles not contraband of war nor prohibited by the order of the War Department, nor coin, bullion, or foreign exchange, to an amount not exceeding in value one-third of the aggregate value of the products sold by him, as certified by the agent purchasing; and the merchandise and other articles so purchased may be transported by the same route and to the same place from and by which the products sold and delivered reached the purchasing agent, as set forth in the certificate; and such merchandise and other articles shall have safe conduct, and shall not be subject to detention, seizure, or forfeiture while being transported to the places and by the route set forth in the said certificate.

V. Generals commanding military districts and commandants of military posts and detachments, and officers commanding fleets, flotillas, and gunboats, will give safe conduct to persons and products, merchandise, and other articles duly authorized as aforesaid, and not contraband of war or prohibited by order of the War Department, or the orders of such generals commanding, or other duly authorized military or naval officer, made in pursuance thereof; and all persons hindering or preventing such safe conduct of persons or property will be deemed guilty of a military offense and punished accordingly.

VI. Any person transporting or attempting to transport any merchandise or other articles, except in pursuance of regulations of the Secretary of the Treasury dated July 29, 1864, or in pursuance of this order, or transporting or attempting to transport any merchandise or other articles contraband of war or forbidden by any order of the War Department, will be deemed guilty of a military offense and punished accordingly; and all products of insurrectionary States found *in transitu* to any other person or place than a purchasing agent and a designated place of purchase shall be seized and forfeited to the United States, except such as may be moving to a loyal State under duly authorized permits of a proper officer of the Treasury Department, as prescribed by Regulation XXXVIII, concerning "commercial intercourse," dated July 29, 1864, or such as may have been found abandoned or have been captured and are moving in pursuance of the act of March 12, 1863.

VII. No military or naval officer of the United States, or person in the military or naval service, nor any civil officer, except such as are appointed for that purpose, shall engage in trade or traffic in the products of insurrectionary States, or furnish transportation therefor, under pain of being deemed guilty of unlawful trading with the enemy and punished accordingly.

VIII. The Secretary of War will make such general orders or regulations as will insure the proper observance and execution of this order, and the Secretary of the Navy will give instructions to officers commanding fleets, flotillas, and gunboats in conformity therewith.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, October 1, 1864.

SPECIAL EXECUTIVE ORDER RETURNING THANKS TO THE VOLUNTEERS FOR ONE HUNDRED DAYS FROM THE STATES OF INDIANA, ILLINOIS, IOWA, AND WISCONSIN.

The term of one hundred days for which volunteers from the States of Indiana, Illinois, Iowa, and Wisconsin volunteered, under the call of their respective governors, in the months of May and June, to aid in the

campaign of General Sherman, having expired, the President directs an official acknowledgment to be made of their patriotic service. It was their good fortune to render efficient service in the brilliant operations in the Southwest and to contribute to the victories of the national arms over the rebel forces in Georgia under command of Johnston and Hood. On all occasions and in every service to which they were assigned their duty as patriotic volunteers was performed with alacrity and courage, for which they are entitled to and are hereby tendered the national thanks through the governors of their respective States.

The Secretary of War is directed to transmit a copy of this order to the governors of Indiana, Illinois, Iowa, and Wisconsin and to cause a certificate of their honorable service to be delivered to the officers and soldiers of the States above named who recently served in the military force of the United States as volunteers for one hundred days.

A. LINCOLN.

EXECUTIVE MANSION,
Washington, October 12, 1864.

The Japanese Government having caused the construction at New York of a vessel of war called the *Fusigama*, and application having been made for the clearance of the same, in order that it may proceed to Japan, it is ordered, in view of the state of affairs in that country and of its relation with the United States, that a compliance with the application be for the present suspended.

ABRAHAM LINCOLN.

GENERAL ORDERS, NO. 282.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 14, 1864.

Ordered by the President, I. That the resignation of George B. McClellan as major-general in the United States Army, dated November 8 and received by the Adjutant-General on the 10th instant, be accepted as of the 8th of November.

II. That for the personal gallantry, military skill, and just confidence in the courage and patriotism of his troops displayed by Philip H. Sheridan on the 19th day of October at Cedar Run, whereby, under the blessing of Providence, his routed army was reorganized, a great national disaster averted, and a brilliant victory achieved over the rebels for the third time in pitched battle within thirty days, Philip H. Sheridan is appointed major-general in the United States Army, to rank as such from the 8th day of November, 1864.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

EXECUTIVE MANSION,
Washington, December 3, 1864.

A war steamer, called the *Funayma Solace*, having been built in this country for the Japanese Government and at the instance of that Government, it is deemed to comport with the public interest, in view of the unsettled condition of the relations of the United States with that Empire, that the steamer should not be allowed to proceed to Japan. If, however, the Secretary of the Navy should ascertain that the steamer is adapted to our service, he is authorized to purchase her, but the purchase money will be held in trust toward satisfying any valid claims which may be presented by the Japanese on account of the construction of the steamer and the failure to deliver the same, as above set forth.

ABRAHAM LINCOLN.

FOURTH ANNUAL MESSAGE.

DECEMBER 6, 1864.

Fellow-Citizens of the Senate and House of Representatives:

Again the blessings of health and abundant harvests claim our profoundest gratitude to Almighty God.

The condition of our foreign affairs is reasonably satisfactory.

Mexico continues to be a theater of civil war. While our political relations with that country have undergone no change, we have at the same time strictly maintained neutrality between the belligerents.

At the request of the States of Costa Rica and Nicaragua, a competent engineer has been authorized to make a survey of the river San Juan and the port of San Juan. It is a source of much satisfaction that the difficulties which for a moment excited some political apprehensions and caused a closing of the interoceanic transit route have been amicably adjusted, and that there is a good prospect that the route will soon be reopened with an increase of capacity and adaptation. We could not exaggerate either the commercial or the political importance of that great improvement.

It would be doing injustice to an important South American State not to acknowledge the directness, frankness, and cordiality with which the United States of Colombia have entered into intimate relations with this Government. A claims convention has been constituted to complete the unfinished work of the one which closed its session in 1861.

The new liberal constitution of Venezuela having gone into effect with the universal acquiescence of the people, the Government under it has been recognized and diplomatic intercourse with it has opened in a cordial

and friendly spirit. The long-deferred Aves Island claim has been satisfactorily paid and discharged.

Mutual payments have been made of the claims awarded by the late joint commission for the settlement of claims between the United States and Peru. An earnest and cordial friendship continues to exist between the two countries, and such efforts as were in my power have been used to remove misunderstanding and avert a threatened war between Peru and Spain.

Our relations are of the most friendly nature with Chile, the Argentine Republic, Bolivia, Costa Rica, Paraguay, San Salvador, and Hayti.

During the past year no differences of any kind have arisen with any of those Republics, and, on the other hand, their sympathies with the United States are constantly expressed with cordiality and earnestness.

The claim arising from the seizure of the cargo of the brig *Macedonian* in 1821 has been paid in full by the Government of Chile.

Civil war continues in the Spanish part of San Domingo, apparently without prospect of an early close.

Official correspondence has been freely opened with Liberia, and it gives us a pleasing view of social and political progress in that Republic. It may be expected to derive new vigor from American influence, improved by the rapid disappearance of slavery in the United States.

I solicit your authority to furnish to the Republic a gunboat at moderate cost, to be reimbursed to the United States by installments. Such a vessel is needed for the safety of that State against the native African races, and in Liberian hands it would be more effective in arresting the African slave trade than a squadron in our own hands. The possession of the least organized naval force would stimulate a generous ambition in the Republic, and the confidence which we should manifest by furnishing it would win forbearance and favor toward the colony from all civilized nations.

The proposed overland telegraph between America and Europe, by the way of Behrings Straits and Asiatic Russia, which was sanctioned by Congress at the last session, has been undertaken, under very favorable circumstances, by an association of American citizens, with the cordial good will and support as well of this Government as of those of Great Britain and Russia. Assurances have been received from most of the South American States of their high appreciation of the enterprise and their readiness to cooperate in constructing lines tributary to that world-encircling communication. I learn with much satisfaction that the noble design of a telegraphic communication between the eastern coast of America and Great Britain has been renewed, with full expectation of its early accomplishment.

Thus it is hoped that with the return of domestic peace the country will be able to resume with energy and advantage its former high career of commerce and civilization.

Our very popular and estimable representative in Egypt died in April last. An unpleasant altercation which arose between the temporary incumbent of the office and the Government of the Pasha resulted in a suspension of intercourse. The evil was promptly corrected on the arrival of the successor in the consulate, and our relations with Egypt, as well as our relations with the Barbary Powers, are entirely satisfactory.

The rebellion which has so long been flagrant in China has at last been suppressed, with the cooperating good offices of this Government and of the other Western commercial States. The judicial consular establishment there has become very difficult and onerous, and it will need legislative revision to adapt it to the extension of our commerce and to the more intimate intercourse which has been instituted with the Government and people of that vast Empire. China seems to be accepting with hearty good will the conventional laws which regulate commercial and social intercourse among the Western nations.

Owing to the peculiar situation of Japan and the anomalous form of its Government, the action of that Empire in performing treaty stipulations is inconstant and capricious. Nevertheless, good progress has been effected by the Western powers, moving with enlightened concert. Our own pecuniary claims have been allowed or put in course of settlement, and the inland sea has been reopened to commerce. There is reason also to believe that these proceedings have increased rather than diminished the friendship of Japan toward the United States.

The ports of Norfolk, Fernandina, and Pensacola have been opened by proclamation. It is hoped that foreign merchants will now consider whether it is not safer and more profitable to themselves, as well as just to the United States, to resort to these and other open ports than it is to pursue, through many hazards and at vast cost, a contraband trade with other ports which are closed, if not by actual military occupation, at least by a lawful and effective blockade.

For myself, I have no doubt of the power and duty of the Executive, under the law of nations, to exclude enemies of the human race from an asylum in the United States. If Congress should think that proceedings in such cases lack the authority of law, or ought to be further regulated by it, I recommend that provision be made for effectually preventing foreign slave traders from acquiring domicile and facilities for their criminal occupation in our country.

It is possible that if it were a new and open question the maritime powers, with the lights they now enjoy, would not concede the privileges of a naval belligerent to the insurgents of the United States, destitute, as they are, and always have been, equally of ships of war and of ports and harbors. Disloyal emissaries have been neither less assiduous nor more successful during the last year than they were before that time in their efforts, under favor of that privilege, to embroil our country in foreign wars. The desire and determination of the governments of the maritime

states to defeat that design are believed to be as sincere as and can not be more earnest than our own. Nevertheless, unforeseen political difficulties have arisen, especially in Brazilian and British ports and on the northern boundary of the United States, which have required, and are likely to continue to require, the practice of constant vigilance and a just and conciliatory spirit on the part of the United States, as well as of the nations concerned and their governments.

Commissioners have been appointed under the treaty with Great Britain on the adjustment of the claims of the Hudsons Bay and Pugets Sound Agricultural Companies, in Oregon, and are now proceeding to the execution of the trust assigned to them.

In view of the insecurity of life and property in the region adjacent to the Canadian border, by reason of recent assaults and depredations committed by inimical and desperate persons who are harbored there, it has been thought proper to give notice that after the expiration of six months, the period conditionally stipulated in the existing arrangement with Great Britain, the United States must hold themselves at liberty to increase their naval armament upon the Lakes if they shall find that proceeding necessary. The condition of the border will necessarily come into consideration in connection with the question of continuing or modifying the rights of transit from Canada through the United States, as well as the regulation of imposts, which were temporarily established by the reciprocity treaty of the 5th June, 1854.

I desire, however, to be understood while making this statement that the colonial authorities of Canada are not deemed to be intentionally unjust or unfriendly toward the United States, but, on the contrary, there is every reason to expect that, with the approval of the Imperial Government, they will take the necessary measures to prevent new incursions across the border.

The act passed at the last session for the encouragement of immigration has so far as was possible been put into operation. It seems to need amendment which will enable the officers of the Government to prevent the practice of frauds against the immigrants while on their way and on their arrival in the ports, so as to secure them here a free choice of avocations and places of settlement. A liberal disposition toward this great national policy is manifested by most of the European States, and ought to be reciprocated on our part by giving the immigrants effective national protection. I regard our immigrants as one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its wastes of national strength and health. All that is necessary is to secure the flow of that stream in its present fullness, and to that end the Government must in every way make it manifest that it neither needs nor designs to impose involuntary military service upon those who come from other lands to cast their lot in our country.

The financial affairs of the Government have been successfully admin-

istered during the last year. The legislation of the last session of Congress has beneficially affected the revenues, although sufficient time has not yet elapsed to experience the full effect of several of the provisions of the acts of Congress imposing increased taxation.

The receipts during the year from all sources, upon the basis of warrants signed by the Secretary of the Treasury, including loans and the balance in the Treasury on the 1st day of July, 1863, were $1,394,796,007.62, and the aggregate disbursements, upon the same basis, were $1,298,056,101.89, leaving a balance in the Treasury, as shown by warrants, of $96,739,905.73.

Deduct from these amounts the amount of the principal of the public debt redeemed and the amount of issues in substitution therefor, and the actual cash operations of the Treasury were: Receipts, $884,076,646.57; disbursements, $865,234,087.86; which leaves a cash balance in the Treasury of $18,842,558.71.

Of the receipts there were derived from customs $102,316,152.99, from lands $588,333.29, from direct taxes $475,648.96, from internal revenue $109,741,134.10, from miscellaneous sources $47,511,448.10, and from loans applied to actual expenditures, including former balance, $623,443,929.13.

There were disbursed for the civil service $27,505,599.46, for pensions and Indians $7,517,930.97, for the War Department $690,791,842.97, for the Navy Department $85,733,292.77, for interest on the public debt $53,685,421.69, making an aggregate of $865,234,087.86 and leaving a balance in the Treasury of $18,842,558.71, as before stated.

For the actual receipts and disbursements for the first quarter and the estimated receipts and disbursements for the three remaining quarters of the current fiscal year, and the general operations of the Treasury in detail, I refer you to the report of the Secretary of the Treasury. I concur with him in the opinion that the proportion of moneys required to meet the expenses consequent upon the war derived from taxation should be still further increased; and I earnestly invite your attention to this subject, to the end that there may be such additional legislation as shall be required to meet the just expectations of the Secretary.

The public debt on the 1st day of July last, as appears by the books of the Treasury, amounted to $1,740,690,489.49. Probably, should the war continue for another year, that amount may be increased by not far from five hundred millions. Held, as it is, for the most part by our own people, it has become a substantial branch of national, though private, property. For obvious reasons the more nearly this property can be distributed among all the people the better. To favor such general distribution, greater inducements to become owners might, perhaps, with good effect and without injury be presented to persons of limited means. With this view I suggest whether it might not be both competent and expedient for Congress to provide that a limited amount of some future

issue of public securities might be held by any *bona fide* purchaser exempt from taxation and from seizure for debt, under such restrictions and limitations as might be necessary to guard against abuse of so important a privilege. This would enable every prudent person to set aside a small annuity against a possible day of want.

Privileges like these would render the possession of such securities to the amount limited most desirable to every person of small means who might be able to save enough for the purpose. The great advantage of citizens being creditors as well as debtors with relation to the public debt is obvious. Men readily perceive that they can not be much oppressed by a debt which they owe to themselves.

The public debt on the 1st day of July last, although somewhat exceeding the estimate of the Secretary of the Treasury made to Congress at the commencement of the last session, falls short of the estimate of that officer made in the preceding December as to its probable amount at the beginning of this year by the sum of $3,995,097.31. This fact exhibits a satisfactory condition and conduct of the operations of the Treasury.

The national banking system is proving to be acceptable to capitalists and to the people. On the 25th day of November 584 national banks had been organized, a considerable number of which were conversions from State banks. Changes from State systems to the national system are rapidly taking place, and it is hoped that very soon there will be in the United States no banks of issue not authorized by Congress and no bank-note circulation not secured by the Government. That the Government and the people will derive great benefit from this change in the banking systems of the country can hardly be questioned. The national system will create a reliable and permanent influence in support of the national credit and protect the people against losses in the use of paper money. Whether or not any further legislation is advisable for the suppression of State-bank issues it will be for Congress to determine. It seems quite clear that the Treasury can not be satisfactorily conducted unless the Government can exercise a restraining power over the bank-note circulation of the country.

The report of the Secretary of War and the accompanying documents will detail the campaigns of the armies in the field since the date of the last annual message, and also the operations of the several administrative bureaus of the War Department during the last year. It will also specify the measures deemed essential for the national defense and to keep up and supply the requisite military force.

The report of the Secretary of the Navy presents a comprehensive and satisfactory exhibit of the affairs of that Department and of the naval service. It is a subject of congratulation and laudable pride to our countrymen that a Navy of such vast proportions has been organized in so brief a period and conducted with so much efficiency and success.

The general exhibit of the Navy, including vessels under construction on the 1st of December, 1864, shows a total of 671 vessels, carrying 4,610 guns, and of 510,396 tons, being an actual increase during the year, over and above all losses by shipwreck or in battle, of 83 vessels, 167 guns, and 42,427 tons.

The total number of men at this time in the naval service, including officers, is about 51,000.

There have been captured by the Navy during the year 324 vessels, and the whole number of naval captures since hostilities commenced is 1,379, of which 267 are steamers.

The gross proceeds arising from the sale of condemned prize property thus far reported amount to $14,396,250.51. A large amount of such proceeds is still under adjudication and yet to be reported.

The total expenditure of the Navy Department of every description, including the cost of the immense squadrons that have been called into existence from the 4th of March, 1861, to the 1st of November, 1864, is $238,647,262.35.

Your favorable consideration is invited to the various recommendations of the Secretary of the Navy, especially in regard to a navy-yard and suitable establishment for the construction and repair of iron vessels and the machinery and armature for our ships, to which reference was made in my last annual message.

Your attention is also invited to the views expressed in the report in relation to the legislation of Congress at its last session in respect to prize on our inland waters.

I cordially concur in the recommendation of the Secretary as to the propriety of creating the new rank of vice-admiral in our naval service.

Your attention is invited to the report of the Postmaster-General for a detailed account of the operations and financial condition of the Post-Office Department.

The postal revenues for the year ending June 30, 1864, amounted to $12,438,253.78 and the expenditures to $12,644,786.20, the excess of expenditures over receipts being $206,652.42.

The views presented by the Postmaster-General on the subject of special grants by the Government in aid of the establishment of new lines of ocean mail steamships and the policy he recommends for the development of increased commercial intercourse with adjacent and neighboring countries should receive the careful consideration of Congress.

It is of noteworthy interest that the steady expansion of population, improvement, and governmental institutions over the new and unoccupied portions of our country have scarcely been checked, much less impeded or destroyed, by our great civil war, which at first glance would seem to have absorbed almost the entire energies of the nation.

The organization and admission of the State of Nevada has been completed in conformity with law, and thus our excellent system is firmly

established in the mountains, which once seemed a barren and uninhabitable waste between the Atlantic States and those which have grown up on the coast of the Pacific Ocean.

The Territories of the Union are generally in a condition of prosperity and rapid growth. Idaho and Montana, by reason of their great distance and the interruption of communication with them by Indian hostilities, have been only partially organized; but it is understood that these difficulties are about to disappear, which will permit their governments, like those of the others, to go into speedy and full operation.

As intimately connected with and promotive of this material growth of the nation, I ask the attention of Congress to the valuable information and important recommendations relating to the public lands, Indian affairs, the Pacific Railroad, and mineral discoveries contained in the report of the Secretary of the Interior which is herewith transmitted, and which report also embraces the subjects of patents, pensions, and other topics of public interest pertaining to his Department.

The quantity of public land disposed of during the five quarters ending on the 30th of September last was 4,221,342 acres, of which 1,538,614 acres were entered under the homestead law. The remainder was located with military land warrants, agricultural scrip certified to States for railroads, and sold for cash. The cash received from sales and location fees was $1,019,446.

The income from sales during the fiscal year ending June 30, 1864, was $678,007.21, against $136,077.95 received during the preceding year. The aggregate number of acres surveyed during the year has been equal to the quantity disposed of, and there is open to settlement about 133,000,000 acres of surveyed land.

The great enterprise of connecting the Atlantic with the Pacific States by railways and telegraph lines has been entered upon with a vigor that gives assurance of success, notwithstanding the embarrassments arising from the prevailing high prices of materials and labor. The route of the main line of the road has been definitely located for 100 miles westward from the initial point at Omaha City, Nebr., and a preliminary location of the Pacific Railroad of California has been made from Sacramento eastward to the great bend of the Truckee River in Nevada.

Numerous discoveries of gold, silver, and cinnabar mines have been added to the many heretofore known, and the country occupied by the Sierra Nevada and Rocky mountains and the subordinate ranges now teems with enterprising labor, which is richly remunerative. It is believed that the product of the mines of precious metals in that region has during the year reached, if not exceeded, one hundred millions in value.

It was recommended in my last annual message that our Indian system be remodeled. Congress at its last session, acting upon the recommendation, did provide for reorganizing the system in California, and it is believed that under the present organization the management of

the Indians there will be attended with reasonable success. Much yet remains to be done to provide for the proper government of the Indians in other parts of the country, to render it secure for the advancing settler, and to provide for the welfare of the Indian. The Secretary reiterates his recommendations, and to them the attention of Congress is invited.

The liberal provisions made by Congress for paying pensions to invalid soldiers and sailors of the Republic and to the widows, orphans, and dependent mothers of those who have fallen in battle or died of disease contracted or of wounds received in the service of their country have been diligently administered. There have been added to the pension rolls during the year ending the 30th day of June last the names of 16,770 invalid soldiers and of 271 disabled seamen, making the present number of army invalid pensioners 22,767 and of navy invalid pensioners 712.

Of widows, orphans, and mothers 22,198 have been placed on the army pension rolls and 248 on the navy rolls. The present number of army pensioners of this class is 25,433 and of navy pensioners 793. At the beginning of the year the number of Revolutionary pensioners was 1,430. Only 12 of them were soldiers, of whom 7 have since died. The remainder are those who under the law receive pensions because of relationship to Revolutionary soldiers. During the year ending the 30th of June, 1864, $4,504,616.92 have been paid to pensioners of all classes.

I cheerfully commend to your continued patronage the benevolent institutions of the District of Columbia which have hitherto been established or fostered by Congress, and respectfully refer for information concerning them and in relation to the Washington Aqueduct, the Capitol, and other matters of local interest to the report of the Secretary.

The Agricultural Department, under the supervision of its present energetic and faithful head, is rapidly commending itself to the great and vital interest it was created to advance It is peculiarly the people's Department, in which they feel more directly concerned than in any other. I commend it to the continued attention and fostering care of Congress.

The war continues. Since the last annual message all the important lines and positions then occupied by our forces have been maintained and our arms have steadily advanced, thus liberating the regions left in rear, so that Missouri, Kentucky, Tennessee, and parts of other States have again produced reasonably fair crops.

The most remarkable feature in the military operations of the year is General Sherman's attempted march of 300 miles directly through the insurgent region. It tends to show a great increase of our relative strength that our General in Chief should feel able to confront and hold in check every active force of the enemy, and yet to detach a well-appointed large army to move on such an expedition. The result not yet being known, conjecture in regard to it is not here indulged.

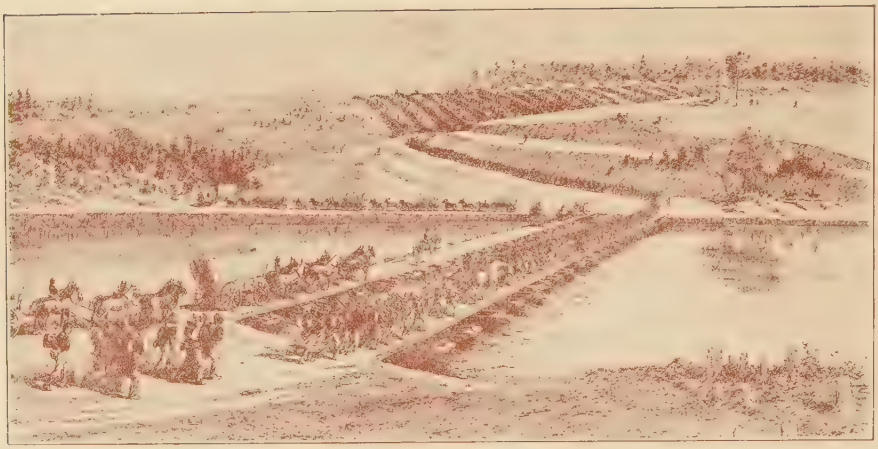
Important movements have also occurred during the year to the effect

of molding society for durability in the Union. Although short of complete success, it is much in the right direction that 12,000 citizens in each of the States of Arkansas and Louisiana have organized loyal State governments, with free constitutions, and are earnestly struggling to maintain and administer them. The movements in the same direction, more extensive though less definite, in Missouri, Kentucky, and Tennessee should not be overlooked. But Maryland presents the example of complete success. Maryland is secure to liberty and union for all the future. The genius of rebellion will no more claim Maryland. Like another foul spirit being driven out, it may seek to tear her, but it will woo her no more.

At the last session of Congress a proposed amendment of the Constitution abolishing slavery throughout the United States passed the Senate, but failed for lack of the requisite two-thirds vote in the House of Representatives. Although the present is the same Congress and nearly the same members, and without questioning the wisdom or patriotism of those who stood in opposition, I venture to recommend the reconsideration and passage of the measure at the present session. Of course the abstract question is not changed; but an intervening election shows almost certainly that the next Congress will pass the measure if this does not. Hence there is only a question of *time* as to when the proposed amendment will go to the States for their action. And as it is to so go at all events, may we not agree that the sooner the better? It is not claimed that the election has imposed a duty on members to change their views or their votes any further than, as an additional element to be considered, their judgment may be affected by it. It is the voice of the people now for the first time heard upon the question. In a great national crisis like ours unanimity of action among those seeking a common end is very desirable—almost indispensable. And yet no approach to such unanimity is attainable unless some deference shall be paid to the will of the majority simply because it is the will of the majority. In this case the common end is the maintenance of the Union, and among the means to secure that end such will, through the election, is most clearly declared in favor of such constitutional amendment.

The most reliable indication of public purpose in this country is derived through our popular elections. Judging by the recent canvass and its result, the purpose of the people within the loyal States to maintain the integrity of the Union was never more firm nor more nearly unanimous than now. The extraordinary calmness and good order with which the millions of voters met and mingled at the polls give strong assurance of this. Not only all those who supported the Union ticket, so called, but a great majority of the opposing party also may be fairly claimed to entertain and to be actuated by the same purpose. It is an unanswerable argument to this effect that no candidate for any office whatever, high or low, has ventured to seek votes on the avowal that

SHERMAN'S MARCH FROM ATLANTA TO THE SEA



Crossing Stream by Pontoon Bridges

SHERMAN'S MARCH FROM ATLANTA TO THE SEA

The State of Georgia had never felt the scourge of war. Its rich planters were strong for a continuance of the struggle. The fertile soil supported not only her own people but also the Confederate army of Georgia and Lee's Army of Virginia. Sherman suggested to Grant that he be permitted to leave Thomas with an army to oppose the Confederate General Hood, and with the remainder of his troops march through Georgia from Atlanta to the seaboard. Grant and Lincoln reluctantly granted the desired permission, and for thirty-two days, from November 12 to December 14, 1864, the authorities at Washington heard no word from him. He made the march, cutting a sixty-mile-wide swath of ruin and devastation, so that, according to Jefferson Davis, the whole Confederacy was terrified. Two hundred and sixty-five miles of railroad were irreparably destroyed. Plantations were denuded of stock and produce. Sherman reported having done $100,000,000 worth of damage.

See the articles "Atlanta, Battle of," "Nashville, Battle of," "Franklin, Battle of," and "Fort McAllister, Battle of," in the index (volume eleven).

he was for giving up the Union. There have been much impugning of motives and much heated controversy as to the proper means and best mode of advancing the Union cause, but on the distinct issue of Union or no Union the politicians have shown their instinctive knowledge that there is no diversity among the people. In affording the people the fair opportunity of showing one to another and to the world this firmness and unanimity of purpose, the election has been of vast value to the national cause.

The election has exhibited another fact not less valuable to be known—the fact that we do not approach exhaustion in the most important branch of national resources, that of living men. While it is melancholy to reflect that the war has filled so many graves and carried mourning to so many hearts, it is some relief to know that, compared with the surviving, the fallen have been so few. While corps and divisions and brigades and regiments have formed and fought and dwindled and gone out of existence, a great majority of the men who composed them are still living. The same is true of the naval service. The election returns prove this. So many voters could not else be found. The States regularly holding elections, both now and four years ago, to wit, California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin, cast 3,982,011 votes now, against 3,870,222 cast then, showing an aggregate now of 3,982,011. To this is to be added 33,762 cast now in the new States of Kansas and Nevada, which States did not vote in 1860, thus swelling the aggregate to 4,015,773 and the net increase during the three years and a half of war to 145,551. A table is appended showing particulars. To this again should be added the number of all soldiers in the field from Massachusetts, Rhode Island, New Jersey, Delaware, Indiana, Illinois, and California, who by the laws of those States could not vote away from their homes, and which number can not be less than 90,000. Nor yet is this all. The number in organized Territories is triple now what it was four years ago, while thousands, white and black, join us as the national arms press back the insurgent lines. So much is shown, affirmatively and negatively, by the election. It is not material to inquire *how* the increase has been produced or to show that it would have been *greater* but for the war, which is probably true. The important fact remains demonstrated that we have *more* men *now* than we had when the war *began;* that we are not exhausted nor in process of exhaustion; that we are *gaining* strength and may if need be maintain the contest indefinitely. This as to men. Material resources are now more complete and abundant than ever.

The national resources, then, are unexhausted, and, as we believe, inexhaustible. The public purpose to reestablish and maintain the national authority is unchanged, and, as we believe, unchangeable. The manner

of continuing the effort remains to choose. On careful consideration of all the evidence accessible it seems to me that no attempt at negotiation with the insurgent leader could result in any good. He would accept nothing short of severance of the Union, precisely what we will not and can not give. His declarations to this effect are explicit and oft repeated. He does not attempt to deceive us. He affords us no excuse to deceive ourselves. He can not voluntarily reaccept the Union; we can not voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war and decided by victory. If we yield, we are beaten; if the Southern people fail him, he is beaten. Either way it would be the victory and defeat following war. What is true, however, of him who heads the insurgent cause is not necessarily true of those who follow. Although he can not reaccept the Union, they can. Some of them, we know, already desire peace and reunion. The number of such may increase. They can at any moment have peace simply by laying down their arms and submitting to the national authority under the Constitution. After so much the Government could not, if it would, maintain war against them. The loyal people would not sustain or allow it. If questions should remain, we would adjust them by the peaceful means of legislation, conference, courts, and votes, operating only in constitutional and lawful channels. Some certain, and other possible, questions are and would be beyond the Executive power to adjust; as, for instance, the admission of members into Congress and whatever might require the appropriation of money. The Executive power itself would be greatly diminished by the cessation of actual war. Pardons and remissions of forfeitures, however, would still be within Executive control. In what spirit and temper this control would be exercised can be fairly judged of by the past.

A year ago general pardon and amnesty, upon specified terms, were offered to all except certain designated classes, and it was at the same time made known that the excepted classes were still within contemplation of special clemency. During the year many availed themselves of the general provision, and many more would, only that the signs of bad faith in some led to such precautionary measures as rendered the practical process less easy and certain. During the same time also special pardons have been granted to individuals of the excepted classes, and no voluntary application has been denied. Thus practically the door has been for a full year open to all except such as were not in condition to make free choice; that is, such as were in custody or under constraint. It is still so open to all. But the time may come, probably will come, when public duty shall demand that it be closed and that in lieu more rigorous measures than heretofore shall be adopted.

In presenting the abandonment of armed resistance to the national authority on the part of the insurgents as the only indispensable condition to ending the war on the part of the Government, I retract nothing

heretofore said as to slavery. I repeat the declaration made a year ago, that "while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by the terms of that proclamation or by any of the acts of Congress." If the people should, by whatever mode or means, make it an Executive duty to reenslave such persons, another, and not I, must be their instrument to perform it.

In stating a single condition of peace I mean simply to say that the war will cease on the part of the Government whenever it shall have ceased on the part of those who began it.

ABRAHAM LINCOLN.

Table showing the aggregate votes in the States named at the Presidential elections respectively, in 1860 and 1864.

State.	1860.	1864.
California	118,840	*110,000
Connecticut	77,246	86,616
Delaware	16,039	16,924
Illinois	339,693	348,235
Indiana	272,143	280,645
Iowa	128,331	143,331
Kentucky	146,216	*91,300
Maine	97,918	115,141
Maryland	92,502	72,703
Massachusetts	169,533	175,487
Michigan	154,747	162,413
Minnesota	34,799	42,534
Missouri	165,538	*90,000
New Hampshire	65,953	69,111
New Jersey	121,125	128,680
New York	675,156	730,664
Ohio	442,441	470,745
Oregon	14,410	†14,410
Pennsylvania	476,442	572,697
Rhode Island	19,931	22,187
Vermont	42,844	55,811
West Virginia	46,195	33,874
Wisconsin	152,180	148,513
	3,870,222	3,982,011
Kansas		17,234
Nevada		16,528
		33,762
		3,982,011
Total		4,015,773
		3,870,222
Net increase		145,551

*Nearly. †Estimated.

SPECIAL MESSAGES.

WASHINGTON CITY, *December 5, 1864.*

To the Senate and House of Representatives:

In conformity to the law of July 16, 1862, I most cordially recommend that Captain John A. Winslow, United States Navy, receive a vote of thanks from Congress for the skill and gallantry exhibited by him in the brilliant action, while in command of the United States steamer *Kearsarge*, which led to the total destruction of the piratical craft *Alabama* on the 19th of June, 1864—a vessel superior in tonnage, superior in number of guns, and superior in number of crew.

This recommendation is specially made in order to comply with the requirements of the ninth section of the aforesaid act, which is in the following words, namely:

That any line officer of the Navy or Marine Corps may be advanced one grade if upon recommendation of the President by name he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

ABRAHAM LINCOLN.

WASHINGTON CITY, *December 5, 1864.*

To the Senate and House of Representatives:

In conformity to the law of July 16, 1862, I most cordially recommend that Lieutenant William B. Cushing, United States Navy, receive a vote of thanks from Congress for his important, gallant, and perilous achievement in destroying the rebel ironclad steamer *Albemarle* on the night of the 27th of October, 1864, at Plymouth, N. C.

The destruction of so formidable a vessel, which had resisted the continued attacks of a number of our vessels on former occasions, is an important event touching our future naval and military operations, and would reflect honor on any officer, and redounds to the credit of this young officer and the few brave comrades who assisted in this successful and daring undertaking.

This recommendation is specially made in order to comply with the requirements of the ninth section of the aforesaid act, which is in the following words, namely:

That any line officer of the Navy or Marine Corps may be advanced one grade if upon recommendation of the President by name he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

ABRAHAM LINCOLN.

WASHINGTON CITY, *December 5, 1864.*

To the Senate of the United States:

By virtue of the authority contained in the sixth section of the act of 21st April, 1864, which enacts "that any officer in the naval service, by and with the advice and consent of the Senate, may be advanced not exceeding thirty numbers in his own grade for distinguished conduct in battle or extraordinary heroism," I recommend Commander William H. Macomb, United States Navy, for advancement in his grade ten numbers, to take rank next after Commander William Ronckendorff, for distinguished conduct in the capture of the town of Plymouth, N. C., with its batteries, ordnance stores, etc., on the 31st October, 1864, by a portion of the naval division under his command. The affair was executed in a most creditable manner.

ABRAHAM LINCOLN.

WASHINGTON CITY, *December 5, 1864.*

To the Senate of the United States:

By virtue of the authority contained in the sixth section of the act of 21st April, 1864, which enacts "that any officer in the naval service, by and with the advice and consent of the Senate, may be advanced not exceeding thirty numbers in his own grade for distinguished conduct in battle or extraordinary heroism," I recommend Lieutenant-Commander James S. Thornton, United States Navy, the executive officer of the United States steamer *Kearsarge*, for advancement in his grade ten numbers, to take rank next after Lieutenant-Commander William D. Whiting, for his good conduct and faithful discharge of his duties in the brilliant action with the rebel steamer *Alabama*, which led to the destruction of that vessel on the 19th June, 1864.

ABRAHAM LINCOLN.

WASHINGTON, *December 7, 1864.*

To the Senate of the United States:

In answer to the Senate's resolution of yesterday, requesting information in regard to aid furnished to the rebellion by British subjects, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ABRAHAM LINCOLN.

WASHINGTON, *December 13, 1864.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, "a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Honduras," signed by their respective plenipotentiaries at Comayagua on the 4th of July (1864) last.

ABRAHAM LINCOLN.

WASHINGTON, *December 13, 1864.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, "a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals, between the United States of America and the Republic of Hayti, signed by their respective plenipotentiaries at Port au Prince on the 3d of November" last.

ABRAHAM LINCOLN.

WASHINGTON, *January 7, 1865.*

To the Senate and House of Representatives:

I transmit to Congress a copy of two treaties between the United States and Belgium, for the extinguishment of the Scheldt dues, etc., concluded on the 20th of May, 1863, and 20th of July, 1863, respectively, the ratifications of which were exchanged at Brussels on the 24th of June last; and I recommend an appropriation to carry into effect the provisions thereof relative to the payment of the proportion of the United States toward the capitalization of the said dues.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, January 9, 1865.

Hon. SCHUYLER COLFAX,
Speaker House of Representatives.

SIR: I transmit herewith the letter of the Secretary of War, with accompanying report of the Adjutant-General, in reply to the resolution of the House of Representatives dated December 7, 1864, requesting me "to communicate to the House the report made by Colonel Thomas M. Key of an interview between himself and General Howell Cobb on the 14th day of June, 1862, on the bank of the Chickahominy, on the subject of the exchange of prisoners of war."

I am, sir, very respectfully, your obedient servant,

ABRAHAM LINCOLN.

WASHINGTON, *January 9, 1865.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 15th ultimo, requesting information concerning an arrangement limiting the naval armament on the Lakes, I transmit a report of this date from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, January 17, 1865.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded at the Isabella Indian Reservation, in the State of Michigan, on the 18th day of October, 1864, between H. J. Alvord, special commissioner, and D. C. Leach, United States Indian agent, acting as commissioner on the part of the United States, and the chiefs and headmen of the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan, parties to the treaty of August 2, 1855, with amendments.

A letter of the Secretary of the Interior of the 12th instant and a copy of a communication of the Commissioner of Indian Affairs of the 22d ultimo, with inclosure, accompany the treaty.

ABRAHAM LINCOLN.

WASHINGTON, D. C., *January 31, 1865.*

Hon. H. HAMLIN,
President of the Senate:

I transmit herewith a communication from the Secretary of War, covering papers bearing on the arrest and imprisonment of Colonel Richard T. Jacobs, lieutenant-governor of the State of Kentucky, and Colonel Frank Wolford, one of the Presidential electors of that State, requested by resolution of the Senate dated December 20, 1864.

ABRAHAM LINCOLN.

WASHINGTON, *February 4, 1865.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 13th ultimo, requesting information upon the present condition of Mexico and the case of the French war transport steamer *Rhine*, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ABRAHAM LINCOLN.

WASHINGTON, *February 8, 1865.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a note of the 4th instant addressed by J. Hume Burnley, esq., Her Britannic Majesty's chargé d'affaires, to the Secretary of State, relative to a sword which it is proposed to present to Captain Henry S. Stellwagen, commanding the United States frigate *Constitution*, as a mark of gratitude for his services to the British brigantine *Mersey*. The expediency of sanctioning the acceptance of the gift is submitted to your consideration.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *February 8, 1865*

To the Honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral college" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal, and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes, and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution.

ABRAHAM LINCOLN.

WASHINGTON, *February 10, 1865.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting information concerning recent conversations or communications with insurgents under Executive sanction, I transmit a report from the Secretary of State, to whom the resolution was referred.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *February 10, 1865.*

To the Honorable the House of Representatives:

In response to your resolution of the 8th instant, requesting information in relation to a conference recently held in Hampton Roads, I have the honor to state that on the day of the date I gave Francis P. Blair, sr., a card, written on as follows, to wit:

DECEMBER 28, 1864.

Allow the bearer, F. P. Blair, sr., to pass our lines, go South, and return.

A. LINCOLN.

That at the time I was informed that Mr. Blair sought the card as a means of getting to Richmond, Va., but he was given no authority to speak or act for the Government, nor was I informed of anything he would say or do on his own account or otherwise. Afterwards Mr. Blair told me that he had been to Richmond and had seen Mr. Jefferson Davis; and he (Mr. B.) at the same time left with me a manuscript letter, as follows, to wit:

F. P. BLAIR, Esq. RICHMOND, VA., *January 12, 1865.*

SIR: I have deemed it proper, and probably desirable to you, to give you in this form the substance of remarks made by me, to be repeated by you to President Lincoln, etc., etc.

I have no disposition to find obstacles in forms, and am willing, now as heretofore, to enter into negotiations for the restoration of peace, and am ready to send a commission whenever I have reason to suppose it will be received, or to receive a commission if the United States Government shall choose to send one. That notwithstanding the rejection of our former offers, I would, if you could promise that a commissioner, minister, or other agent would be received, appoint one immediately, and renew the effort to enter into conference with a view to secure peace to the two countries.

Yours, etc.,

JEFFERSON DAVIS.

Afterwards, and with the view that it should be shown to Mr. Davis, I wrote and delivered to Mr. Blair a letter, as follows, to wit:

WASHINGTON, *January 18, 1865.*

F. P. BLAIR, Esq.

SIR: Your having shown me Mr. Davis's letter to you of the 12th instant, you may say to him that I have constantly been, am now, and shall continue ready to receive any agent whom he or any other influential person now resisting the national authority may informally send to me with the view of securing peace to the people of our one common country.

Yours, etc.,

A. LINCOLN.

Afterwards Mr. Blair dictated for and authorized me to make an entry on the back of my retained copy of the letter last above recited, which entry is as follows:

JANUARY 28, 1865.

To-day Mr. Blair tells me that on the 21st instant he delivered to Mr. Davis the original of which the within is a copy, and left it with him; that at the time of delivering it Mr. Davis read it over twice in Mr. Blair's presence, at the close of which he (Mr. Blair) remarked that the part about "our one common country" related to the part of Mr. Davis's letter about "the two countries," to which Mr. Davis replied that he so understood it.

A. LINCOLN.

Afterwards the Secretary of War placed in my hands the following telegram, indorsed by him, as appears:

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington January 29, 1865, from headquarters Army of James, 6.30 p. m., January 29, 1865:

"Hon. EDWIN M. STANTON,
"*Secretary of War:*

"The following dispatch just received from Major-General Parke, who refers it to me for my action. I refer it to you in Lieutenant-General Grant's absence.

"E. O. C. ORD, *Major-General, Commanding.*"

'HEADQUARTERS ARMY OF POTOMAC,
'*January 29, 1865—4 p. m.*

Major-General E. O. C. ORD,
'*Headquarters Army of James:*

'The following dispatch is forwarded to you for your action. Since I have no knowledge of General Grant's having had any understanding of this kind, I refer the matter to you as the ranking officer present in the two armies.

'JNO. G. PARKE, *Major-General, Commanding.*'

'FROM HEADQUARTERS NINTH ARMY CORPS, *29th.*

'Major-General JNO. G. PARKE,

'*Headquarters Army of Potomac:*

'Alexander H. Stephens, R. M. T. Hunter, and J. A. Campbell desire to cross my lines, in accordance with an understanding claimed to exist with Lieutenant-General Grant, on their way to Washington as peace commissioners. Shall they be admitted? They desire an early answer, to come through immediately. Would like to reach City Point to-night if they can. If they can not do this, they would like to come through at 10 a. m. to-morrow morning.

'O. B. WILCOX,

'*Major-General, Commanding Ninth Corps.*'

"JANUARY 29—8.30 p. m.

"Respectfully referred to the President for such instructions as he may be pleased to give.

"EDWIN M. STANTON,

"*Secretary of War.*"

It appears that about the time of placing the foregoing telegram in my hands the Secretary of War dispatched General Ord as follows, to wit:

WAR DEPARTMENT,

Washington City, January 29, 1865—10 p. m.

(Sent at 2 a. m. 30th.)

Major-General ORD.

SIR: This Department has no knowledge of any understanding by General Grant to allow any person to come within his lines as commissioner of any sort. You will therefore allow no one to come into your lines under such character or profession until you receive the President's instructions, to whom your telegram will be submitted for his directions.

EDWIN M. STANTON,

Secretary of War.

Afterwards, by my direction, the Secretary of War telegraphed General Ord as follows, to wit:

WAR DEPARTMENT,

Washington, D. C., January 30, 1865—10.30 a. m.

Major-General E. O. C. ORD,

Headquarters Army of the James.

SIR: By direction of the President, you are instructed to inform the three gentlemen, Messrs. Stephens, Hunter, and Campbell, that a messenger will be dispatched to them at or near where they now are without unnecessary delay.

EDWIN M. STANTON,

Secretary of War.

Afterwards I prepared and put into the hands of Major Thomas T. Eckert the following instructions and message:

EXECUTIVE MANSION,

Washington, January 30, 1865.

Major T. T. ECKERT.

SIR: You will proceed with the documents placed in your hands, and on reaching General Ord will deliver him the letter addressed to him by the Secretary of War; then, by General Ord's assistance, procure an interview with Messrs. Stephens, Hunter, and Campbell, or any of them. Deliver to him or them the paper on which your own letter is written. Note on the copy which you retain the time of delivery

and to whom delivered. Receive their answer in writing, waiting a reasonable time for it, and which, if it contain their decision to come through without further condition, will be your warrant to ask General Ord to pass them through, as directed in the letter of the Secretary of War to him. If by their answer they decline to come, or propose other terms, do not have them pass through. And this being your whole duty, return and report to me.

A. LINCOLN.

CITY POINT, VA., *February 1, 1865.*

Messrs. ALEXANDER H. STEPHENS, J. A. CAMPBELL, and R. M. T. HUNTER.

GENTLEMEN: I am instructed by the President of the United States to place this paper in your hands, with the information that if you pass through the United States military lines it will be understood that you do so for the purpose of an informal conference on the basis of the letter a copy of which is on the reverse side of this sheet, and that if you choose to pass on such understanding, and so notify me in writing, I will procure the commanding general to pass you through the lines and to Fortress Monroe under such military precautions as he may deem prudent, and at which place you will be met in due time by some person or persons for the purpose of such informal conference; and, further, that you shall have protection, safe conduct, and safe return in all events.

THOMAS T. ECKERT,
Major and Aid-de-Camp.

WASHINGTON, *January 18, 1865.*

F. P. BLAIR, Esq.

SIR: Your having shown me Mr. Davis's letter to you of the 12th instant, you may say to him that I have constantly been, am now, and shall continue ready to receive any agent whom he or any other influential person now resisting the national authority may informally send to me with the view of securing peace to the people of our one common country.

Yours, etc.,

A. LINCOLN.

Afterwards, but before Major Eckert had departed, the following dispatch was received from General Grant:

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington January 31, 1865, from City Point, Va., 10.30 a. m., January 30, 1865:

"His Excellency ABRAHAM LINCOLN,
"*President of the United States:*

"The following communication was received here last evening:

'PETERSBURG, VA., *January 30, 1865.*

'Lieutenant-General U. S. GRANT,
'*Commanding Armies United States.*

'SIR: We desire to pass your lines under safe conduct, and to proceed to Washington to hold a conference with President Lincoln upon the subject of the existing war, and with a view of ascertaining upon what terms it may be terminated, in pursuance of the course indicated by him in his letter to Mr. Blair of January 18, 1865, of which we presume you have a copy; and if not, we wish to see you in person, if convenient, and to confer with you upon the subject.

'Very respectfully, yours,

'ALEXANDER H. STEPHENS.
'J. A. CAMPBELL.
'R. M. T. HUNTER.'

"I have sent directions to receive these gentlemen, and expect to have them at my quarters this evening, awaiting your instructions.

"U. S. GRANT,
"*Lieutenant-General, Commanding Armies United States*"

This, it will be perceived, transferred General Ord's agency in the matter to General Grant. I resolved, however, to send Major Eckert forward with his message, and accordingly telegraphed General Grant as follows, to wit:

EXECUTIVE MANSION,
Washington, January 31, 1865.
(Sent at 1.30 p. m.)

Lieutenant-General GRANT,
City Point, Va.:

A messenger is coming to you on the business contained in your dispatch. Detain the gentlemen in comfortable quarters until he arrives, and then act upon the message he brings as far as applicable, it having been made up to pass through General Ord's hands, and when the gentlemen were supposed to be beyond our lines.

A. LINCOLN.

When Major Eckert departed, he bore with him a letter of the Secretary of War to General Grant, as follows, to wit:

WAR DEPARTMENT,
Washington, D. C., January 30, 1865.

Lieutenant-General GRANT,
Commanding, etc.

GENERAL: The President desires that you will please procure for the bearer, Major Thomas T. Eckert, an interview with Messrs. Stephens, Hunter, and Campbell, and if on his return to you he requests it pass them through our lines to Fortress Monroe by such route and under such military precautions as you may deem prudent, giving them protection and comfortable quarters while there, and that you let none of this have any effect upon your movements or plans.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

Supposing the proper point to be then reached, I dispatched the Secretary of State with the following instructions, Major Eckert, however, going ahead of him:

EXECUTIVE MANSION,
Washington, January 31, 1865.

Hon. WILLIAM H. SEWARD,
Secretary of State:

You will proceed to Fortress Monroe, Va., there to meet and informally confer with Messrs. Stephens, Hunter, and Campbell on the basis of my letter to F. P. Blair, esq., of January 18, 1865, a copy of which you have.

You will make known to them that three things are indispensable, to wit:

1. The restoration of the national authority throughout all the States.

2. No receding by the Executive of the United States on the slavery question from the position assumed thereon in the ate annual message to Congress and in preceding documents.

3. No cessation of hostilities short of an end of the war and the disbanding of all forces hostile to the Government.

You will inform them that all propositions of theirs not inconsistent with the above will be considered and passed upon in a spirit of sincere liberality. You will hear all they may choose to say and report it to me.

You will not assume to definitely consummate anything.

Yours, etc.,

ABRAHAM LINCOLN.

On the day of its date the following telegram was sent to General Grant:

WAR DEPARTMENT,
Washington, D. C., February 1, 1865.
(Sent at 9.30 a. m.)

Lieutenant-General GRANT,
City Point, Va.:

Let nothing which is transpiring change, hinder, or delay your military movements or plans.

A. LINCOLN.

Afterwards the following dispatch was received from General Grant:

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 2.30 p. m. February 1, 1865, from City Point, Va., February 1, 12.30 p. m., 1865:

"His Excellency A. LINCOLN,
"*President United States:*

"Your dispatch received. There will be no armistice in consequence of the presence of Mr. Stephens and others within our lines. The troops are kept in readiness to move at the shortest notice if occasion should justify it.

"U. S. GRANT, *Lieutenant-General.*"

To notify Major Eckert that the Secretary of State would be at Fortress Monroe, and to put them in communication, the following dispatch was sent:

WAR DEPARTMENT,
Washington, D. C., February 1, 1865.

Major T. T. ECKERT,
Care of General Grant, City Point, Va.:

Call at Fortress Monroe and put yourself under direction of Mr. S., whom you will find there.

A. LINCOLN.

On the morning of the 2d instant the following telegrams were received by me respectively from the Secretary of State and Major Eckert:

FORT MONROE, VA., *February 1, 1865—11.30 p. m.*

The PRESIDENT OF THE UNITED STATES:

Arrived at 10 this evening. Richmond party not here. I remain here.

WILLIAM H. SEWARD.

CITY POINT, VA., *February 1, 1865—10 p. m.*

His Excellency A. LINCOLN,
President of the United States:

I have the honor to report the delivery of your communication and my letter at 4.15 this afternoon, to which I received a reply at 6 p. m., but not satisfactory.

At 8 p. m. the following note, addressed to General Grant, was received:

"CITY POINT, VA., *February 1, 1865.*

"Lieutenant-General GRANT.

"SIR: We desire to go to Washington City to confer informally with the President personally in reference to the matters mentioned in his letter to Mr. Blair of the 18th January ultimo, without any personal compromise on any question in the letter. We have the permission to do so from the authorities in Richmond.

"Very respectfully, yours,

"ALEX. H. STEPHENS.
"R. M. T. HUNTER.
"J. A. CAMPBELL."

At 9.30 p. m. I notified them that they could not proceed further unless they complied with the terms expressed in my letter. The point of meeting designated in the above note would not, in my opinion, be insisted upon. Think Fort Monroe would be acceptable. Having complied with my instructions, I will return to Washington to-morrow unless otherwise ordered.

THOS. T. ECKERT, *Major, etc.*

On reading this dispatch of Major Eckert I was about to recall him and the Secretary of State, when the following telegram of General Grant to the Secretary of War was shown me:

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington 4.35 a. m. February 2, 1865, from City Point, Va., February 1, 10.30 p. m., 1865:

"Hon. EDWIN M. STANTON,
"*Secretary of War:*

"Now that the interview between Major Eckert, under his written instructions, and Mr. Stephens and party has ended, I will state confidentially, but not officially to become a matter of record, that I am convinced upon conversation with Messrs. Stephens and Hunter that their intentions are good and their desire sincere to restore peace and union. I have not felt myself at liberty to express even views of my own or to account for my reticency. This has placed me in an awkward position, which I could have avoided by not seeing them in the first instance. I fear now their going back without any expression from anyone in authority will have a bad influence. At the same time, I recognize the difficulties in the way of receiving these informal commissioners at this time, and do not know what to recommend. I am sorry, however, that Mr. Lincoln can not have an interview with the two named in this dispatch, if not all three now within our lines. Their letter to me was all that the President's instructions contemplated to secure their safe conduct if they had used the same language to Major Eckert.

"U. S. GRANT, *Lieutenant-General.*"

This dispatch of General Grant changed my purpose, and accordingly I telegraphed him and the Secretary of State, respectively, as follows:

WAR DEPARTMENT,
Washington, D. C., February 2, 1865.
(Sent at 9 a. m.)

Lieutenant-General GRANT,
City Point, Va.:

Say to the gentlemen I will meet them personally at Fortress Monroe as soon as I can get there.

A. LINCOLN.

WAR DEPARTMENT,
Washington, D. C., February 2, 1865.
(Sent at 9 a. m.)

Hon. WILLIAM H. SEWARD,
Fortress Monroe, Va.:

Induced by a dispatch from General Grant, I join you at Fort Monroe as soon as I can come.

A. LINCOLN.

Before starting, the following dispatch was shown me. I proceeded, nevertheless.

OFFICE UNITED STATES MILITARY TELEGRAPH,
War Department.

The following telegram received at Washington February 2, 1865, from City Point, Va., 9 a. m., February 2, 1865:

"Hon. WILLIAM H. SEWARD,
"*Secretary of State, Fort Monroe:*

"The gentlemen here have accepted the proposed terms, and will leave for Fort Monroe at 9.30 a. m.

"U. S. GRANT,
"*Lieutenant-General.*"

(Copy to Hon. Edwin M. Stanton, Secretary of War, Washington.)

On the night of the 2d I reached Hampton Roads, found the Secretary of State and Major Eckert on a steamer anchored offshore, and learned of them that the Richmond gentlemen were on another steamer also anchored offshore, in the Roads, and that the Secretary of State had not yet seen or communicated with them. I ascertained that Major Eckert had literally complied with his instructions, and I saw for the first time the answer of the Richmond gentlemen to him, which in his dispatch to me of the 1st he characterizes as "not satisfactory." That answer is as follows, to wit:

CITY POINT, VA., *February 1, 1865.*

THOMAS T. ECKERT,
Major and Aid-de-Camp.

MAJOR: Your note, delivered by yourself this day, has been considered. In reply we have to say that we were furnished with a copy of the letter of President Lincoln to Francis P. Blair, esq., of the 18th of January ultimo, another copy of which is appended to your note.

Our instructions are contained in a letter of which the following is a copy:

"RICHMOND, *January 28, 1865.*

"In conformity with the letter of Mr. Lincoln, of which the foregoing is a copy, you are to proceed to Washington City for informal conference with him upon the issues involved in the existing war, and for the purpose of securing peace to the two countries.

'With great respect, your obedient servant,

"JEFFERSON DAVIS."

The substantial object to be obtained by the informal conference is to ascertain upon what terms the existing war can be terminated honorably.

Our instructions contemplate a personal interview between President Lincoln and ourselves at Washington City, but with this explanation we are ready to meet any

person or persons that President Lincoln may appoint at such place as he may designate.

Our earnest desire is that a just and honorable peace may be agreed upon, and we are prepared to receive or to submit propositions which may possibly lead to the attainment of that end.

Very respectfully, yours,

ALEXANDER H. STEPHENS.
R. M. T. HUNTER.
JOHN A. CAMPBELL.

A note of these gentlemen, subsequently addressed to General Grant, has already been given in Major Eckert's dispatch of the 1st instant.

I also here saw, for the first time, the following note addressed by the Richmond gentlemen to Major Eckert:

CITY POINT, VA., *February 2, 1865.*

THOMAS T. ECKERT,
Major and Aid-de-Camp.

MAJOR: In reply to your verbal statement that your instructions did not allow you to alter the conditions upon which a passport could be given to us, we say that we are willing to proceed to Fortress Monroe and there to have an informal conference with any person or persons that President Lincoln may appoint on the basis of his letter to Francis P. Blair of the 18th of January ultimo, or upon any other terms or conditions that he may hereafter propose not inconsistent with the essential principles of self-government and popular rights, upon which our institutions are founded.

It is our earnest wish to ascertain, after a free interchange of ideas and information, upon what principles and terms, if any, a just and honorable peace can be established without the further effusion of blood, and to contribute our utmost efforts to accomplish such a result.

We think it better to add that in accepting your passport we are not to be understood as committing ourselves to anything but to carry to this informal conference the views and feelings above expressed.

Very respectfully, yours, etc.,

ALEXANDER H. STEPHENS.
J. A. CAMPBELL.
R. M. T. HUNTER.

NOTE.—The above communication was delivered to me at Fort Monroe at 4.30 p. m. February 2 by Lieutenant-Colonel Babcock, of General Grant's staff.

THOMAS T. ECKERT,
Major and Aid-de-Camp.

On the morning of the 3d the three gentlemen, Messrs. Stephens, Hunter, and Campbell, came aboard of our steamer and had an interview with the Secretary of State and myself of several hours' duration. No question of preliminaries to the meeting was then and there made or mentioned; no other person was present; no papers were exchanged or produced; and it was in advance agreed that the conversation was to be informal and verbal merely. On our part the whole substance of the instructions to the Secretary of State hereinbefore recited was stated and insisted upon, and nothing was said inconsistent therewith; while by the other party it was not said that in any event or on any condition they *ever* would consent to reunion, and yet they equally omitted to declare that they *never* would so

SHERMAN ENTERING SAVANNAH IN TRIUMPH

Cavalry Charging Cavalry

SHERMAN'S ENTRY INTO SAVANNAH

The credit for this march from Atlanta to the sea is properly given by Lincoln in his despatch of Christmas Day, 1864. "Many, many thanks for your Christmas gift, the capture of Savannah. When you were about leaving Atlanta for the Atlantic Coast, I was anxious if not fearful; but feeling that you were the better judge and remembering that 'nothing risked, nothing gained,' I did not interfere. Now, the undertaking being a success, the honor is all yours; for I believe none of us went further than to acquiesce. And taking the work of General Thomas (the defeat of the Confederates at Nashville) into the count, as it should be taken, it is indeed a great success. Not only does it afford the obvious and immediate military advantages, but in showing to the world that your army could be divided, putting the stronger part to an important new service, and yet leaving enough to vanquish the old opposing force of the whole—Hood's Army—it brings those who sat in darkness to see a great light. Please make my grateful acknowledgments to your whole army officers and men."

See the articles entitled "Atlanta, Battle of," "Nashville, Battle of," "Fort McAllister, Capture of," in the index (volume eleven).

consent. They seemed to desire a postponement of that question and the adoption of some other course first, which, as some of them seemed to argue, might or might not lead to reunion, but which course we thought would amount to an indefinite postponement. The conference ended without result.

The foregoing, containing, as is believed, all the information sought, is respectfully submitted.

ABRAHAM LINCOLN.

WASHINGTON, *February 13, 1865.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a dispatch of the 12th ultimo, addressed to the Secretary of State by the minister resident of the United States at Stockholm, relating to an international exhibition to be held at Bergen, in Norway, during the coming summer. The expediency of any legislation upon the subject is submitted for your consideration.

ABRAHAM LINCOLN.

WASHINGTON, *February 13, 1865.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a note of the 2d instant, addressed to the Secretary of State by the Commander J. C. de Figaniere a Moraô, envoy extraordinary and minister plenipotentiary of His Most Faithful Majesty the King of Portugal, calling attention to a proposed international exhibition at the city of Oporto, to be opened in August next, and inviting contributions thereto of the products of American manufactures and industry. The expediency of any legislation on the subject is submitted for your consideration.

ABRAHAM LINCOLN.

WASHINGTON, *February 25, 1865.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d instant, I transmit herewith a report from the Secretary of War, with the accompanying General Orders, No. 23,* issued by Major-General Banks at New Orleans, February 3, 1864.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, February 27, 1865.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded with the Klamath and Modoc tribes of Indians of Oregon, at Fort Klamath, on the 5th day of October, 1864.

A letter of the Secretary of the Interior of this date, a copy of the

*On the subject of compensated plantation labor, public or private.

report of the Commissioner of Indian Affairs of the 24th instant, and a communication of the superintendent of Indian affairs in Oregon accompany the treaty.

ABRAHAM LINCOLN.

EXECUTIVE MANSION,
Washington, D. C., February 28, 1865.

Hon. H. HAMLIN,
President United States Senate.

SIR: In reply to the resolution of the Senate dated February 14, 1865, I transmit herewith a communication from the Secretary of War, forwarding a copy of the report of the court of inquiry "in respect to the explosion of the mine in front of Petersburg."

I am, sir, very respectfully, your obedient servant,

ABRAHAM LINCOLN.

WASHINGTON, D. C., *March 2, 1865.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives:

I transmit herewith the report of the Secretary of War, which, with my permission, has been delayed until the present time to enable the Lieutenant-General to furnish his report.

A. LINCOLN.

[The same message was addressed to the President of the Senate.]

WASHINGTON, *March 3, 1865.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated 1st instant, with the accompanying papers, received from the Secretary of State in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ABRAHAM LINCOLN.

VETO MESSAGE.*

EXECUTIVE MANSION, *January 5, 1865.*

To the House of Representatives of the United States:

I herewith return to your honorable body, in which it originated, a "Joint resolution to correct certain clerical errors in the internal-revenue act," without my approval.

My reason for so doing is that I am informed that this joint resolution

* Pocket veto.

was prepared during the last moments of the last session of Congress for the purpose of correcting certain errors of reference in the internal-revenue act which were discovered on an examination of an official copy procured from the State Department a few hours only before the adjournment. It passed the House and went to the Senate, where a vote was taken upon it, but by some accident it was not presented to the President of the Senate for his signature.

Since the adjournment of the last session of Congress other errors of a kind similar to those which this resolution was designed to correct have been discovered in the law, and it is now thought most expedient to include all the necessary corrections in one act or resolution.

The attention of the proper committee of the House has, I am informed, been already directed to the preparation of a bill for this purpose.

ABRAHAM LINCOLN.

PROCLAMATIONS.

By the President of the United States.

A PROCLAMATION.

Whereas by the act approved July 4, 1864, entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," it is provided that the President of the United States may, "at his discretion, at any time hereafter, call for any number of men, as volunteers for the respective terms of one, two, and three years for military service," and "that in case the quota or any part thereof of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota or any part thereof which may be unfilled;" and

Whereas by the credits allowed in accordance with the act of Congress on the call for 500,000 men, made July 18, 1864, the number of men to be obtained under that call was reduced to 280,000; and

Whereas the operations of the enemy in certain States have rendered it impracticable to procure from them their full quotas of troops under said call; and

Whereas from the foregoing causes but 240,000 men have been put into the Army, Navy, and Marine Corps under the said call of July 18, 1864, leaving a deficiency on that call of two hundred and sixty thousand (260,000):

Now, therefore, I, Abraham Lincoln, President of the United States of

America, in order to supply the aforesaid deficiency and to provide for casualties in the military and naval service of the United States, do issue this my call for three hundred thousand (300,000) volunteers to serve for one, two, or three years. The quotas of the States, districts, and subdistricts under this call will be assigned by the War Department through the bureau of the Provost-Marshal-General of the United States, and "in case the quota or any part thereof of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled" before the 15th day of February, 1865, then a draft shall be made to fill such quota or any part thereof under this call which may be unfilled on said 15th day of February, 1865.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of December, A. D. 1864, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress of the 28th of September, 1850, entitled "An act to create additional collection districts in the State of California, and to change the existing districts therein, and to modify the existing collection districts in the United States," extends to merchandise warehoused under bond the privilege of being exported to the British North American Provinces adjoining the United States in the manner prescribed in the act of Congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides "that such other ports situated on the frontiers of the United States adjoining the British North American Provinces as may hereafter be found expedient may have extended to them the like privileges on the recommendation of the Secretary of the Treasury and proclamation duly made by the President of the United States specially designating the ports to which the aforesaid privileges are to be extended:"

Now, therefore, I, Abraham Lincoln, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the port of St. Albans, in the State of Vermont, is and shall be entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States which are extended to

the ports enumerated in the seventh section of the act of Congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of January, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Abraham Lincoln, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States at Washington, the 17th day of February, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

[SEAL.]

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION, *December 10, 1864.*

Ordered, first. That Major-General William F. Smith and the Hon. Henry Stanbery be, and they are hereby, appointed special commissioners to investigate and report, for the information of the President, upon the civil and military administration in the military division bordering upon and west of the Mississippi, under such instructions as shall be issued by authority of the President and the War Department.

Second. Said commissioners shall have power to examine witnesses upon oath, and to take such proofs, orally or in writing, upon the subject-matters of investigation as they may deem expedient, and return the same together with their report.

Third. All officers and persons in the military, naval, and revenue services, or in any branch of the public service under the authority of the United States Government, are required, upon subpœna issued by direction of the said commissioners, to appear before them at such time and place as may be designated in said subpœna and to give testimony on oath touching such matters as may be inquired of by the commissioners, and to produce such books, papers, writings, and documents as they may be notified or required to produce by the commissioners, and as may be in their possession.

Fourth. Said special commissioners shall also investigate and report upon any other matters that may hereafter be directed by the Secretary of War, and shall with all convenient dispatch make report to him in writing of their investigation, and shall also from time to time make special reports to the Secretary of War upon such matters as they may deem of importance to the public interests.

Fifth. The Secretary of War shall assign to the said commissioners such aid and assistance as may be required for the performance of their duties, and make such just and reasonable allowances and compensation for the said commissioners and for the persons employed by them as he may deem proper.

ABRAHAM LINCOLN.

DEPARTMENT OF STATE,
Washington, December 17, 1864.

The President directs that, except immigrant passengers directly entering an American port by sea, henceforth no traveler shall be allowed to enter the United States from a foreign country without a passport. If a citizen, the passport must be from this Department or from some United States minister or consul abroad; and if an alien, from the competent authority of his own country, the passport to be countersigned by a diplomatic agent or consul of the United States. This regulation is intended to apply especially to persons proposing to come to the United States from the neighboring British Provinces. Its observance will be strictly enforced by all officers, civil, military, and naval, in the service of the United States, and the State and municipal authorities are requested to aid in its execution. It is expected, however, that no immigrant passenger coming in manner aforesaid will be obstructed, or any other persons who may set out on their way hither before intelligence of this regulation could reasonably be expected to reach the country from which they may have started.

WILLIAM H. SEWARD.

WASHINGTON, D. C., *December 31, 1864.*

By the authority conferred upon the President of the United States by the second section of the act of Congress approved July 2, 1864, entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," etc., I, Abraham Lincoln, President of the United States, do hereby designate the Merchants' National Bank, Boston; the Chicago and Rock Island Railroad Company's office, Chicago; the First National Bank at Philadelphia; the First National Bank at Baltimore; the First National Bank at Cincinnati, and the Third National Bank at St. Louis, in addition to the general office of the Union Pacific Railroad Company in the city of New York, as the places at which the said Union Pacific Railroad Company shall cause books to be kept open to receive subscriptions to the capital stock of said company.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *Washington City, January 20, 1865.*

Ordered, That no clearances for the exportation of hay from the United States be granted until further orders, unless the same shall have been placed on shipboard before the publication hereof.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, *Washington City, February 6, 1865.*

Whereas complaints are made in some localities respecting the assignments of quotas and credits allowed for the pending call of troops to fill up the armies:

Now, in order to determine all controversies in respect thereto and to avoid any delay in filling up the armies, it is ordered that the Attorney-General, Brigadier-General Richard Delafield, and Colonel C. W. Foster be, and they are hereby, constituted a board to examine into the proper quotas and credits of the respective States and districts under the call of December 19, 1864, with directions, if any errors be found therein, to make such corrections as the law and facts may require and report their determination to the Provost-Marshal-General. The determination of said board to be final and conclusive, and the draft to be made in conformity therewith.

2. The Provost-Marshal-General is ordered to make the draft in the respective districts as speedily as the same can be done after the 15th of this month.

ABRAHAM LINCOLN.

WASHINGTON, *February 13, 1865.*

To the Military Officers Commanding in West Tennessee:

While I can not order as within requested, allow me to say that it is my wish for you to relieve the people from all burdens, harassments, and oppressions so far as is possible consistently with your military necessities;

that the object of the war being to restore and maintain the blessings of peace and good government, I desire you to help, and not hinder, every advance in that direction.

Of your military necessities you must judge and execute, but please do so in the spirit and with the purpose above indicated.

ABRAHAM LINCOLN.

[From the Daily National Intelligencer, February 22, 1865.]

DEPARTMENT OF STATE,
Washington, February 21, 1865.

The Department buildings will be illuminated on the night of Washington's birthday, in honor of the recent triumphs of the Union.

By order of the President:

WILLIAM H. SEWARD.

SECOND INAUGURAL ADDRESS.

FELLOW-COUNTRYMEN: At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war—seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would *make* war rather than let the nation survive, and the other would *accept* war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed

no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the *cause* of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

MARCH 4, 1865.

SPECIAL MESSAGES.

WASHINGTON, D. C., *March 8, 1865.*

To the Senate of the United States:

The fourth section of the law of 16th January, 1857, provides that reserved officers may be promoted on the reserved list, by and with the advice and consent of the Senate, and under this authority various officers of the Navy have been promoted one grade from time to time.

I therefore nominate Commander John J. Young, now on the reserved

list, to be a captain in the Navy on the reserved list from the 12th August, 1854, the date when he was entitled to his regular promotion had he not been overslaughed. It is due to this officer to state that he was passed over in consequence of physical disability, this disability having occurred in the discharge of his duties; and prior to his misfortune he bore the reputation of an efficient and correct officer, and subsequently has evinced a willingness to perform whatever duties were assigned him.

ABRAHAM LINCOLN.

WASHINGTON, *March 8, 1865.*

To the Senate of the United States:

In answer to the Senate's resolution of the 6th instant, requesting the return of a certain joint resolution,* I transmit a report from the Secretary of State.

ABRAHAM LINCOLN.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the twenty-first section of the act of Congress approved on the 3d instant, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces and for other purposes," requires "that, in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States who shall not return to said service or report themselves to a provost-marshal within sixty days after the proclamation hereinafter mentioned shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens, and such deserters shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled or go beyond the limits of the United States with intent to avoid any draft into the military or naval service duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required, forthwith on the passage of this act, to issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all

*Entitled "Joint resolution in relation to certain railroads."

deserters returning within sixty days as aforesaid that they shall be pardoned on condition of returning to their regiments and companies or to such other organizations as they may be assigned to until they shall have served for a period of time equal to their original term of enlistment:"

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do issue this my proclamation, as required by said act, ordering and requiring all deserters to return to their proper posts; and I do hereby notify them that all deserters who shall, within sixty days from the date of this proclamation, viz, on or before the 10th day of May, 1865, return to service or report themselves to a provost-marshal shall be pardoned, on condition that they return to their regiments and companies or to such other organizations as they may be assigned to and serve the remainder of their original terms of enlistment and in addition thereto a period equal to the time lost by desertion.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of March, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas reliable information has been received that hostile Indians within the limits of the United States have been furnished with arms and munitions of war by persons dwelling in conterminous foreign territory, and are thereby enabled to prosecute their savage warfare upon the exposed and sparse settlements of the frontier:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, do hereby proclaim and direct that all persons detected in that nefarious traffic shall be arrested and tried by court-martial at the nearest military post, and if convicted shall receive the punishment due to their deserts.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of March, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamations of the 19th and 27th days of April, A. D. 1861, the ports of the United States in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas were declared to be subject to blockade; but

Whereas the said blockade has, in consequence of actual military occupation by this Government, since been conditionally set aside or relaxed in respect to the ports of Norfolk and Alexandria, in the State of Virginia; Beaufort, in the State of North Carolina; Port Royal, in the State of South Carolina; Pensacola and Fernandina, in the State of Florida; and New Orleans, in the State of Louisiana; and

Whereas by the fourth section of the act of Congre pproved on the 13th of July, 1861, entitled "An act further to provide or the collection of duties on imports, and for other purposes," the President, for the reasons therein set forth, is authorized to close certain ports of entry:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do hereby proclaim that the ports of Richmond, Tappahannock, Cherrystone, Yorktown, and Petersburg, in Virginia; of Camden (Elizabeth City), Edenton, Plymouth, Washington, Newbern, Ocracoke, and Wilmington, in North Carolina; of Charleston, Georgetown, and Beaufort, in South Carolina; of Savannah, St. Marys, and Brunswick (Darien), in Georgia; of Mobile, in Alabama; of Pearl River (Shieldsboro), Natchez, and Vicksburg, in Mississippi; of St. Augustine, Key West, St. Marks (Port Leon), St. Johns (Jacksonville), and Apalachicola, in Florida; of Teche (Franklin), in Louisiana; of Galveston, La Salle, Brazos de Santiago (Point Isabel), and Brownsville, in Texas, are hereby closed, and all right of importation, warehousing, and other privileges shall, in respect to the ports aforesaid, cease until they shall have again been opened by order of the President; and if while said ports are so closed any ship or vessel from beyond the United States or having on board any articles subject to duties shall attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation of this date the port of Key West, in the State of Florida, was inadvertently included among those which are not open to commerce:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do hereby declare and make known that the said port of Key West is and shall remain open to foreign and domestic commerce upon the same conditions by which that commerce has there hitherto been governed.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas for some time past vessels of war of the United States have been refused in certain foreign ports privileges and immunities to which they were entitled by treaty, public law, or the comity of nations, at the same time that vessels of war of the country wherein the said privileges and immunities have been withheld have enjoyed them fully and uninterruptedly in ports of the United States, which condition of things has not always been forcibly resisted by the United States, although, on the other hand, they have not at any time failed to protest against and declare their dissatisfaction with the same. In the view of the United States, no condition any longer exists which can be claimed to justify the denial to them by any one of such nations of customary naval rights as has heretofore been so unnecessarily persisted in.

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby make known that if after a reasonable time shall have elapsed for intelligence of this proclamation to have reached any foreign country in whose ports the said privileges and immunities shall have been refused as aforesaid they shall continue to be so refused, then and thenceforth the same privileges and immunities shall be refused to the vessels of war of that country in the ports of the United States; and this refusal shall continue until war vessels of the United States shall have been placed upon an entire equality in the foreign ports aforesaid with similar vessels of other countries. The United States, whatever claim or pretense

may have existed heretofore, are now, at least, entitled to claim and concede an entire and friendly equality of rights and hospitalities with all maritime nations.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

DEPARTMENT OF STATE,
Washington, March 8, 1865.

Whereas, pursuant to the order of the President of the United States, directions were issued from this Department, under date of the 17th of December, 1864, requiring passports from all travelers entering the United States, except immigrant passengers directly entering an American port from a foreign country; but whereas information has recently been received which affords reasonable grounds to expect that Her Britannic Majesty's Government and the executive and legislative branches of the government of Canada have taken and will continue to take such steps as may be looked for from a friendly neighbor and will be effectual toward preventing hostile incursions from Canadian territory into the United States, the President directs that from and after this date the order above referred to requiring passports shall be modified, and so much thereof as relates to persons entering this country from Canada shall be rescinded, saving and reserving the order in all other respects in full force.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, March 14, 1865.

The President directs that all persons who now are or hereafter shall be found within the United States who have been engaged in holding intercourse or trade with the insurgents by sea, if they are citizens of the United States or domiciled aliens, shall be arrested and held as prisoners of war until the war shall close, subject, nevertheless, to prosecution, trial, and conviction for any offense committed by them as spies or otherwise against the laws of war. The President further directs that all nonresident foreigners who now are or hereafter shall be found in the

United States, and who have been or shall have been engaged in violating the blockade of the insurgent ports, shall leave the United States within twelve days from the publication of this order, or from their subsequent arrival in the United States, if on the Atlantic side, and forty days if on the Pacific side, of the country; and such persons shall not return to the United States during the continuance of the war. Provost-marshals and marshals of the United States will arrest and commit to military custody all such offenders as shall disregard this order, whether they have passports or not, and they will be detained in such custody until the end of the war, or until discharged by subsequent orders of the President.

W. H. SEWARD,
Secretary of State.

GENERAL ORDERS, No. 50.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 27, 1865.

Ordered, first. That at the hour of noon on the 14th day of April, 1865, Brevet Major-General Anderson will raise and plant upon the ruins of Fort Sumter, in Charleston Harbor, the same United States flag which floated over the battlements of that fort during the rebel assault, and which was lowered and saluted by him and the small force of his command when the works were evacuated on the 14th day of April, 1861.

Second. That the flag, when raised, be saluted by one hundred guns from Fort Sumter and by a national salute from every fort and rebel battery that fired upon Fort Sumter.

Third. That suitable ceremonies be had upon the occasion, under the direction of Major-General William T. Sherman, whose military operations compelled the rebels to evacuate Charleston, or, in his absence, under the charge of Major-General Q. A. Gillmore, commanding the department. Among the ceremonies will be the delivery of a public address by the Rev. Henry Ward Beecher.

Fourth. That the naval forces at Charleston and their commander on that station be invited to participate in the ceremonies of the occasion.

By order of the President of the United States:

EDWIN M. STANTON,
Secretary of War.

To all whom these presents may concern:

Whereas for some time past evil-disposed persons have crossed the borders of the United States or entered their ports by sea from countries where they are tolerated, and have committed capital felonies against the

property and life of American citizens, as well in the cities as in the rural districts of the country:

Now, therefore, in the name and by the authority of the President of the United States, I do hereby make known that a reward of $1,000 will be paid at this Department for the capture of each of such offenders, upon his conviction by a civil or military tribunal, to whomsoever shall arrest and deliver such offenders into the custody of the civil or military authorities of the United States. And the like reward will be paid upon the same terms for the capture of any such persons so entering the United States whose offenses shall be committed subsequently to the publication of this notice.

A reward of $500 will be paid upon conviction for the arrest of any person who shall have aided and abetted offenders of the class before named within the territory of the United States.

Given under my hand and the seal of the Department of State, at Washington, this 4th day of April, A. D. 1865.

[SEAL.] WILLIAM H. SEWARD,
Secretary of State.

DEATH OF PRESIDENT LINCOLN.

ANNOUNCEMENT TO THE VICE-PRESIDENT.

[From the original, Department of State.]

WASHINGTON CITY, D. C.,
April 15, 1865.

ANDREW JOHNSON,
Vice-President of the United States.

SIR: Abraham Lincoln, President of the United States, was shot by an assassin last evening at Ford's Theater, in this city, and died at the hour of twenty-two minutes after 7 o'clock.

About the same time at which the President was shot an assassin entered the sick chamber of the Hon. William H. Seward, Secretary of State, and stabbed him in several places—in the throat, neck, and face—severely if not mortally wounding him. Other members of the Secretary's family were dangerously wounded by the assassin while making his escape. By the death of President Lincoln the office of President has devolved, under the Constitution, upon you. The emergency of the Government demands that you should immediately qualify, according to the requirements of the Constitution, and enter upon the duties of President

of the United States. If you will please make known your pleasure, such arrangements as you deem proper will be made.

Your obedient servants,

HUGH McCULLOCH,
Secretary of the Treasury.

W. DENNISON,
Postmaster-General.

EDWIN M. STANTON,
Secretary of War.

J. P. USHER,
Secretary of the Interior.

GIDEON WELLES,
Secretary of Navy.

JAMES SPEED,
Attorney-General.

[From the Daily National Intelligencer, April 17, 1865.]

The Vice-President responded that it would be agreeable to him to qualify himself for the high office to which he had been so unexpectedly called, under such melancholy circumstances, at his rooms at the Kirkwood Hotel; and at 11 o'clock a.m. [15th] the oath of office was administered to him by Chief Justice Chase, of the Supreme Court of the United States, in the presence of nearly all the Cabinet officers; the Hon. Solomon Foot, United States Senator from Vermont; the Hon. Alexander Ramsey, United States Senator from Minnesota; the Hon. Richard Yates, United States Senator from Illinois; the Hon. John. P. Hale, late Senator from New Hampshire; General Farnsworth, of the House of Representatives, from Illinois; F. P. Blair, sr.; Hon. Montgomery Blair, late Postmaster-General, and some others.

[For Inaugural Address of President Johnson, see pp. 305–306.]

ANNOUNCEMENT TO REPRESENTATIVES OF THE UNITED STATES ABROAD.

[From official records, Department of State.]

CIRCULAR.

DEPARTMENT OF STATE,
Washington, April 17, 1865.

SIR: The melancholy duty devolves upon me officially to apprise you of the assassination of the President at Ford's Theater, in this city, in the evening of the 14th instant. He died the next morning from the effects of the wound.

About the same time an attempt was made to assassinate the Secretary of State in his own house, where he was in bed suffering from the effects of the late accident. The attempt failed, but Mr. Seward was severely cut, on the face especially, it is supposed with a bowie knife. Mr. F. W. Seward was felled by a blow or blows on the head, and for

some time afterwards was apparently unconscious. Both the Secretary and Assistant Secretary are better, especially the former.

Andrew Johnson has formally entered upon the duties of President.

I have been authorized temporarily to act as Secretary of State.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary*

ANNOUNCEMENT TO REPRESENTATIVES OF FOREIGN GOVERNMENTS IN THE UNITED STATES.

[From official records, Department of State.]

DEPARTMENT OF STATE,
Washington, April 15, 1865.

SIR: It is my great misfortune to be obliged to inform you of events not less afflicting to the people of the United States than distressing to my own feelings and the feelings of all those connected with the Government.

The President of the United States was shot with a pistol last night, while attending a theater in this city, and expired this morning from the effects of the wound. At about the same time an attempt was made to assassinate the Secretary of State, which, though it fortunately failed, left him severely, but it is hoped not dangerously, wounded with a knife or dagger. Mr. F. W. Seward was also struck on the head with a heavy weapon, and is in a critical condition from the effect of the blows.

Pursuant to the provision of the Constitution of the United States, Andrew Johnson, the Vice-President, has formally assumed the functions of President. I have by him been authorized to perform the duties of Secretary of State until otherwise ordered.

I avail myself of the occasion to offer to you the assurance of my distinguished consideration.

W. HUNTER, *Acting Secretary.*

ANNOUNCEMENT TO THE ARMY.

[From official records, War Department.]

GENERAL ORDERS, No. 66.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 16, 1865.

The following order of the Secretary of War announces to the armies of the United States the untimely and lamentable death of the illustrious Abraham Lincoln, late President of the United States:

WAR DEPARTMENT, *Washington City, April 16, 1865.*

The distressing duty has devolved upon the Secretary of War to announce to the armies of the United States that at twenty-two minutes

after 7 o'clock on the morning of Saturday, the 15th day of April, 1865, Abraham Lincoln, President of the United States, died of a mortal wound inflicted upon him by an assassin.

The armies of the United States will share with their fellow-citizens the feelings of grief and horror inspired by this most atrocious murder of their great and beloved President and Commander in Chief, and with profound sorrow will mourn his death as a national calamity.

The headquarters of every department, post, station, fort, and arsenal will be draped in mourning for thirty days, and appropriate funeral honors will be paid by every army, and in every department, and at every military post, and at the Military Academy at West Point, to the memory of the late illustrious Chief Magistrate of the nation and Commander in Chief of its armies.

Lieutenant-General Grant will give the necessary instructions for carrying this order into effect.

EDWIN M. STANTON,
Secretary of War.

On the day after the receipt of this order at the headquarters of each military division, department, army, post, station, fort, and arsenal and at the Military Academy at West Point the troops and cadets will be paraded at 10 o'clock a. m. and the order read to them, after which all labors and operations for the day will cease and be suspended as far as practicable in a state of war.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-six guns.

The officers of the armies of the United States will wear the badge of mourning on the left arm and on their swords and the colors of their commands and regiments will be put in mourning for the period of six months.

By command of Lieutenant-General Grant:

W. A. NICHOLS, *Assistant Adjutant-General.*

ANNOUNCEMENT TO THE NAVY.

[From General Orders and Circulars, Navy Department, 1863 to 1887.]

General Order No. 51.

Navy Department, *Washington, April 15, 1865.*

The Department announces with profound sorrow to the officers and men of the Navy and Marine Corps the death of Abraham Lincoln, late President of the United States. Stricken down by the hand of an assassin on the evening of the 14th instant, when surrounded by his family

and friends, he lingered a few hours after receiving the fatal wound, and died at 7 o'clock 22 minutes this morning.

A grateful people had given their willing confidence to the patriot and statesman under whose wise and successful administration the nation was just emerging from the civil strife which for four years has afflicted the land when this terrible calamity fell upon the country. To him our gratitude was justly due, for to him, under God, more than to any other person, are we indebted for the successful vindication of the integrity of the Union and the maintenance of the power of the Republic.

The officers of the Navy and of the Marine Corps will, as a manifestation of their respect for the exalted character, eminent position, and inestimable public services of the late President, and as an indication of their sense of the calamity which the country has sustained, wear the usual badge of mourning for six months.

The Department further directs that upon the day following the receipt of this order the commandants of squadrons, navy-yards, and stations will cause the ensign of every vessel in their several commands to be hoisted at half-mast, and a gun to be fired every half hour, beginning at sunrise and ending at sunset. The flags of the several navy-yards and marine barracks will also be hoisted at half-mast.

GIDEON WELLES,
Secretary of the Navy

ANNOUNCEMENT TO THE REVENUE MARINE.

[From the Daily National Intelligencer, April 18, 1865.]

General Order.

Treasury Department, *April 17, 1865.*

The Secretary of the Treasury with profound sorrow announces to the Revenue Marine the death of Abraham Lincoln, late President of the United States. He died in this city on the morning of the 15th instant, at twenty-two minutes past 7 o'clock.

The officers of the Revenue Marine will, as a manifestation of their respect for the exalted character and eminent public services of the illustrious dead and of their sense of the calamity the country has sustained by this afflicting dispensation of Providence, wear crape on the left arm and upon the hilt of the sword for six months.

It is further directed that funeral honors be paid on board all revenue vessels in commission by firing thirty-six minute guns, commencing at meridian, on the day after the receipt of this order, and by wearing their flags at half-mast.

HUGH McCULLOCH,
Secretary of the Treasury.

ACTION OF SENATORS AND REPRESENTATIVES IN WASHINGTON.

[From Appendix to Memorial Address on the Life and Character of Abraham Lincoln.]

The members of the Thirty-ninth Congress then in Washington met in the Senate reception room, at the Capitol, on the 17th of April, 1865, at noon. Hon. Lafayette S. Foster, of Connecticut, President *pro tempore* of the Senate, was called to the chair, and the Hon. Schuyler Colfax, of Indiana, Speaker of the House in the Thirty-eighth Congress, was chosen secretary.

Senator Foot, of Vermont, who was visibly affected, stated that the object of the meeting was to make arrangements relative to the funeral of the deceased President of the United States.

On motion of Senator Sumner, of Massachusetts, a committee of five members from each House was ordered to report at 4 p. m. what action would be fitting for the meeting to take.

The chairman appointed Senators Sumner, of Massachusetts; Harris, of New York; Johnson, of Maryland; Ramsey, of Minnesota, and Conness, of California, and Representatives Washburne, of Illinois; Smith, of Kentucky; Schenck, of Ohio; Pike, of Maine, and Coffroth, of Pennsylvania: and on motion of Mr. Schenck the chairman and secretary of the meeting were added to the committee, and then the meeting adjourned until 4 p. m.

The meeting reassembled at 4 p. m., pursuant to adjournment.

Mr. Sumner, from the committee heretofore appointed, reported that they had selected as pallbearers on the part of the Senate Mr. Foster, of Connecticut; Mr. Morgan, of New York; Mr. Johnson, of Maryland; Mr. Yates, of Illinois; Mr. Wade, of Ohio, and Mr. Conness, of California; on the part of the House, Mr. Dawes, of Massachusetts; Mr. Coffroth, of Pennsylvania; Mr. Smith, of Kentucky; Mr. Colfax, of Indiana; Mr. Worthington, of Nevada, and Mr. Washburne, of Illinois.

They also recommended the appointment of one member of Congress from each State and Territory to act as a Congressional committee to accompany the remains of the late President to Illinois, and presented the following names as such committee, the chairman of the meeting to have the authority of appointing hereafter for the States and Territories not represented to-day from which members may be present at the Capitol by the day of the funeral.

Maine, Mr. Pike; New Hampshire, Mr. E. H. Rollins; Vermont, Mr. Foot; Massachusetts, Mr. Sumner; Rhode Island, Mr. Anthony; Connecticut, Mr. Dixon; New York, Mr. Harris; Pennsylvania, Mr. Cowan; Ohio, Mr. Schenck; Kentucky, Mr. Smith; Indiana, Mr. Julian; Illinois, the delegation; Michigan, Mr. Chandler; Iowa, Mr. Harlan; California, Mr. Shannon; Minnesota, Mr. Ramsey; Oregon, Mr. Williams; Kansas, Mr. S. Clarke; West Virginia, Mr. Whaley; Nevada, Mr. Nye; Nebraska, Mr. Hitchcock; Colorado, Mr. Bradford; Dakota, Mr. Todd; Idaho, Mr. Wallace.

The committee also recommended the adoption of the following resolution:

Resolved, That the Sergeants-at-Arms of the Senate and House, with their necessary assistants, be requested to attend the committee accompanying the remains of the late President, and to make all the necessary arrangements.

All of which was concurred in unanimously.

Mr. Sumner, from the same committee, also reported the following, which was unanimously agreed to:

The members of the Senate and House of Representatives now assembled in Washington, humbly confessing their dependence upon Almighty God, who rules all that is done for human good, make haste at this informal meeting to express the emotions with which they have been filled by the appalling tragedy which has deprived the nation of its head and covered the land with mourning; and in further declaration of their sentiments unanimously resolve:

1. That in testimony of their veneration and affection for the illustrious dead, who has been permitted, under Providence, to do so much for his country and for liberty, they will unite in the funeral services and by an appropriate committee will accompany his remains to their place of burial in the State from which he was taken for the national service.

2. That in the life of Abraham Lincoln, who by the benignant favor of republican institutions rose from humble beginnings to the heights of power and fame, they recognize an example of purity, simplicity, and virtue which should be a lesson to mankind, while in his death they recognize a martyr whose memory will become more precious as men learn to prize those principles of constitutional order and those rights—civil, political, and human—for which he was made a sacrifice.

3. That they invite the President of the United States, by solemn proclamation, to recommend to the people of the United States to assemble on a day to be appointed by him, publicly to testify their grief and to dwell on the good which has been done on earth by him whom we now mourn.

4. That a copy of these resolutions be communicated to the President of the United States, and also that a copy be communicated to the afflicted widow of the late President as an expression of sympathy in her great bereavement.

The meeting then adjourned.

ORDERS OF THE HEADS OF THE EXECUTIVE DEPARTMENTS.

[From official records, Department of State.]

DEPARTMENT OF STATE,
Washington, April 17, 1865.

It is hereby ordered that, in honor to the memory of our late illustrious Chief Magistrate, all officers and others subject to the orders of the Secretary of State wear crape upon the left arm for the period of six months.

W. HUNTER,
Acting Secretary.

[From official records, Treasury Department.]

TREASURY DEPARTMENT,
Washington, April 17, 1865.

It is hereby ordered that, in honor to the memory of our late illustrious Chief Magistrate, all officers and others subject to the orders of the Secretary of the Treasury wear crape upon the left arm for the period of six months.

H. McCULLOCH,
Secretary of the Treasury.

[From official records, War Department.,

GENERAL ORDERS, No. 69.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 17, 1865.

By direction of the President of the United States the War Department will be closed on Wednesday next, the day of the funeral of the late President of the United States.

Labor on that day will be suspended at all military posts and on all public works under the direction of the War Department. The flags at all military posts, stations, forts, and buildings will be kept at half-staff during the day, and at 12 o'clock m. twenty-one minute guns will be fired from all forts and at all military posts and at the Military Academy.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

[From General Orders and Circulars, Navy Department, 1863 to 1887.]

SPECIAL ORDER.

APRIL 17, 1865.

By order of the President of the United States the Navy Department will be closed on Wednesday next, the day of the funeral solemnities of the late President of the United States. Labor will also be suspended on that day at each of the navy-yards and naval stations and upon all the vessels of the United States. The flags of all vessels and at all the navy yards and stations and marine barracks will be kept at half-mast during the day, and at 12 o'clock m. twenty-one minute guns will be fired by the senior officer of each squadron and the commandants of the navy yards and stations.

GIDEON WELLES,
Secretary of the Navy.

[From the Daily National Intelligencer, April 18, 1865.]

POST-OFFICE DEPARTMENT,
Washington, April 17, 1865.

To Deputy Postmasters:

Business in all the post-offices of the United States will be suspended and the offices closed from 11 a. m. to 3 p. m. on Wednesday, the 19th instant, during the funeral solemnities of Abraham Lincoln, late President of the United States.

W. DENNISON,
Postmaster-General.

[From official records, Post-Office Department.]

SPECIAL ORDER.

POST-OFFICE DEPARTMENT,
Washington, April 18, 1865.

It is hereby ordered that, in honor of the memory of Abraham Lincoln, our lamented Chief Magistrate, the officers and employees of this Department wear crape upon the left arm for the period of six months.

W. DENNISON,
Postmaster-General.

[From official records, Department of the Interior.]

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1865.

It is hereby ordered that, in honor of the memory of the late Chief Magistrate of the nation, the officers and employees of this Department wear crape upon the left arm for the period of six months.

J. P. USHER,
Secretary.

FUNERAL ANNOUNCEMENT TO THE PUBLIC.

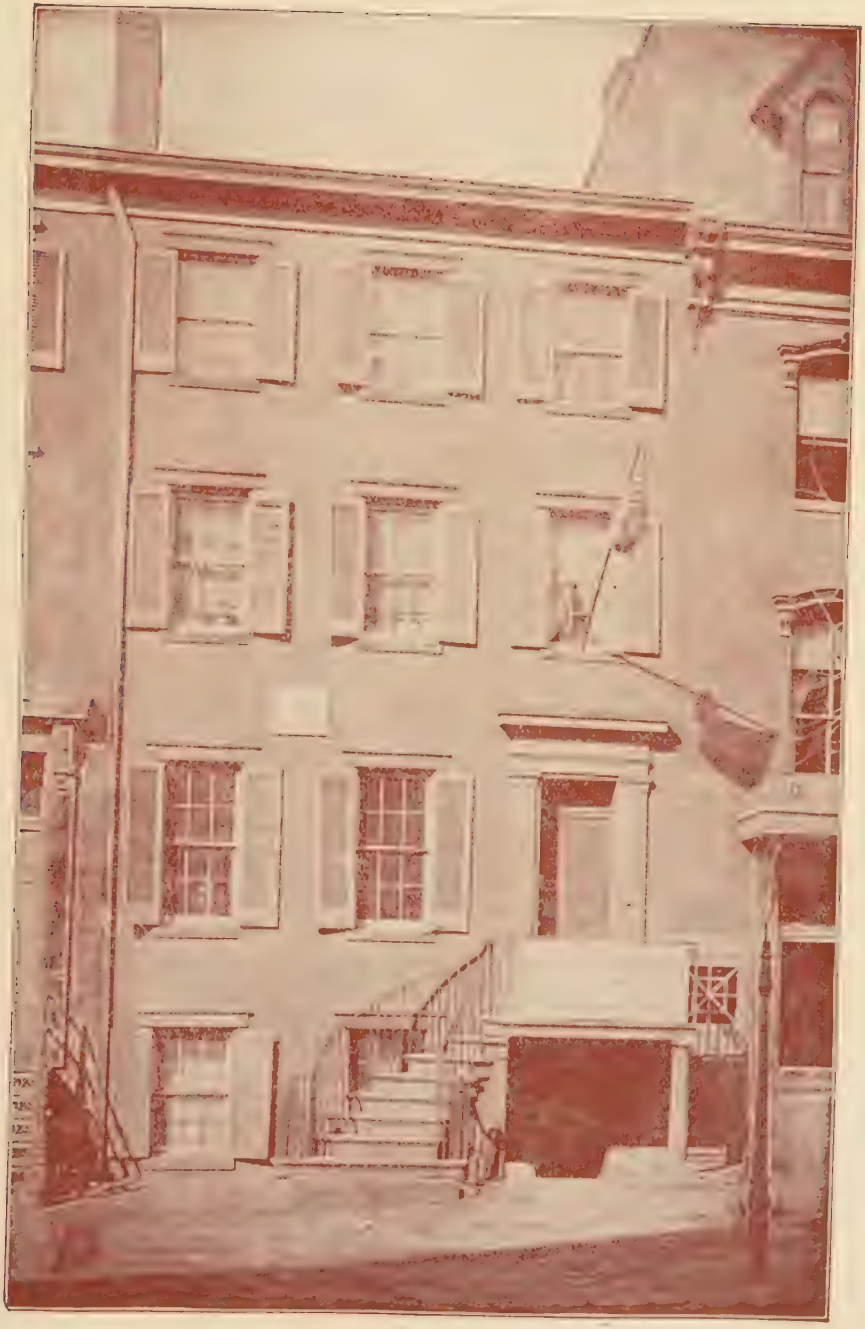
[From the Daily National Intelligencer, April 17, 1865.]

DEPARTMENT OF STATE,
Washington, April 17, 1865.

To the People of the United States:

The undersigned is directed to announce that the funeral ceremonies of the late lamented Chief Magistrate will take place at the Executive Mansion, in this city, at 12 o'clock m. on Wednesday, the 19th instant.

The various religious denominations throughout the country are



HOUSE IN WASHINGTON WHERE LINCOLN DIED.

CONFEDERATE MONUMENT AT RICHMOND, VIRGINIA.

invited to meet in their respective places of worship at that hour for the purpose of solemnizing the occasion with appropriate ceremonies.

W. HUNTER,
Acting Secretary of State.

OFFICIAL ARRANGEMENTS FOR THE FUNERAL.

[From official records, War Department.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 17, 1865.

The following order of arrangement is directed:

ORDER OF THE PROCESSION.

FUNERAL ESCORT.
(In column of march.)

One regiment of cavalry.
Two batteries of artillery.
Battalion of marines.
Two regiments of infantry.
Commander of escort and staff.
Dismounted officers of Marine Corps, Navy, and Army, in the order named.
Mounted officers of Marine Corps, Navy, and Army, in the order named.
(All military officers to be in uniform, with side arms.)

CIVIC PROCESSION.

Marshal.
Clergy in attendance.
The Surgeon-General of the United States Army and physicians to the deceased.
Hearse.

Pallbearers.

On the part of the Senate: Mr. Foster, of Connecticut; Mr. Morgan, of New York; Mr. Johnson, of Maryland; Mr. Yates, of Illinois; Mr. Wade, of Ohio; Mr. Conness, of California.

On the part of the House: Mr. Dawes, of Massachusetts; Mr. Coffroth, of Pennsylvania; Mr. Smith, of Kentucky; Mr. Colfax, of Indiana; Mr. Worthington, of Nevada; Mr. Washburne, of Illinois.

Army: Lieutenant-General U. S. Grant; Major-General H. W. Halleck; Brevet Brigadier-General W. A. Nichols.

Navy: Vice-Admiral D. G. Farragut; Rear-Admiral W. B. Shubrick; Colonel Jacob Zelin, Marine Corps.

Civilians: O. H. Browning, George Ashman, Thomas Corwin, Simon Cameron.

Family.
Relatives.
The delegations of the States of Illinois and Kentucky, as mourners.
The President.
The Cabinet ministers.
The diplomatic corps.

Ex-Presidents.
The Chief Justice and Associate Justices of the Supreme Court.
The Senate of the United States.
Preceded by their officers.
Members of the House of Representatives of the United States.
Governors of the several States and Territories.
Legislatures of the several States and Territories.
The Federal judiciary and the judiciary of the several States and Territories.
The Assistant Secretaries of State, Treasury, War, Navy, Interior, and the Assistant Postmasters-General, and the Assistant Attorney-General.
Officers of the Smithsonian Institution.
The members and officers of the Sanitary and Christian Commissions.
Corporate authorities of Washington, Georgetown, and other cities.
Delegations of the several States.
The reverend the clergy of the various denominations.
The clerks and employees of the several Departments and bureaus, preceded by the heads of such bureaus and their respective chief clerks.
Such societies as may wish to join the procession.
Citizens and strangers.

The troops designated to form the escort will assemble in the Avenue, north of the President's house, and form line precisely at 11 o'clock a. m. on Wednesday, the 19th instant, with the left resting on Fifteenth street. The procession will move precisely at 2 o'clock p. m., on the conclusion of the religious services at the Executive Mansion (appointed to commence at 12 o'clock m.), when minute guns will be fired by detachments of artillery stationed near St. John's Church, the City Hall, and at the Capitol. At the same hour the bells of the several churches in Washington, Georgetown, and Alexandria will be tolled.

At sunrise on Wednesday, the 19th instant, a Federal salute will be fired from the military stations in the vicinity of Washington, minute guns between the hours of 12 and 3 o'clock, and a national salute at the setting of the sun.

The usual badge of mourning will be worn on the left arm and on the hilt of the sword.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

The funeral ceremonies took place in the East Room of the Executive Mansion at noon on the 19th of April, and the remains were then escorted to the Capitol, where they lay in state in the Rotunda.

On the morning of April 21 the remains were taken from the Capitol and placed in a funeral car, in which they were taken to Springfield, Ill. Halting at the principal cities along the route, that appropriate honors might be paid to the deceased, the funeral cortege arrived on the 3d of May at Springfield, Ill., and the next day the remains were deposited in Oak Ridge Cemetery, near that city.

GUARD OF HONOR.

[From official records, War Department.]

GENERAL ORDERS, No. 72.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 20, 1865.

The following general officers and guard of honor will accompany the remains of the late President from the city of Washington to Springfield, the capital of the State of Illinois, and continue with them until they are consigned to their final resting place:

Brevet Brigadier-General E. D. Townsend, Assistant Adjutant-General, to represent the Secretary of War.

Brevet Brigadier-General Charles Thomas, Assistant Quartermaster-General.*

Brigadier-General A. B. Eaton, Commissary-General of Subsistence.

Brevet Major-General J. G. Barnard, Lieutenant-Colonel of Engineers.

Brigadier-General G. D. Ramsay, Ordnance Department.

Brigadier-General A. P. Howe, Chief of Artillery.

Brevet Brigadier-General D. C. McCallum, Superintendent Military Railroads.

Major-General D. Hunter, United States Volunteers.

Brigadier-General J. C. Caldwell, United States Volunteers.

Twenty-five picked men, under a captain.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[From official records, Navy Department.]

SPECIAL ORDER.

APRIL 20, 1865.

The following officers of the Navy and Marine Corps will accompany the remains of the late President from the city of Washington to Springfield, the capital of the State of Illinois, and continue with them until they are consigned to their final resting place:

Rear-Admiral Charles Henry Davis, Chief Bureau Navigation.

Captain William Rogers Taylor, United States Navy.

Major Thomas Y. Field, United States Marine Corps.

GIDEON WELLES,
Secretary of the Navy.

*Brevet Brigadier-General James A. Ekin, Quartermaster's Department, United States Army, substituted.

ACTION OF CONGRESS.

[From Appendix to Memorial Address on the Life and Character of Abraham Lincoln.]

President Johnson, in his annual message to Congress at the commencement of the session of 1865–66, thus announced the death of his predecessor:

To express gratitude to God in the name of the people for the preservation of the United States is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh. It finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union, and that foreign nations have rendered justice to his memory.

Hon. E. B. Washburne, of Illinois, immediately after the President's message had been read in the House of Representatives, offered the following joint resolution, which was unanimously adopted:

Resolved, That a committee of one member from each State represented in this House be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of their late President, Abraham Lincoln, and that so much of the message of the President as refers to that melancholy event be referred to said committee.

On motion of Hon. Solomon Foot, the Senate unanimously concurred in the passage of the resolution, and the following joint committee was appointed, thirteen on the part of the Senate and one for every State represented (twenty-four) on the part of the House of Representatives:

Senate: Hon. Solomon Foot, Vermont; Hon. Richard Yates, Illinois; Hon. Benjamin F. Wade, Ohio; Hon. William Pitt Fessenden, Maine; Hon. Henry Wilson, Massachusetts; Hon. James R. Doolittle, Wisconsin; Hon. James H. Lane, Kansas; Hon. Ira Harris, New York; Hon. James W. Nesmith, Oregon; Hon. Henry S. Lane, Indiana; Hon. Waitman T. Willey, West Virginia; Hon. Charles R. Buckalew, Pennsylvania; Hon. John B. Henderson, Missouri.

House of Representatives: Hon. Elihu B. Washburne, Illinois; Hon. James G. Blaine, Maine; Hon. James W. Patterson, New Hampshire; Hon. Justin S. Morrill, Vermont; Hon. Nathaniel P. Banks, Massachusetts; Hon. Thomas A. Jenckes, Rhode Island; Hon. Henry C. Deming, Connecticut; Hon. John A. Griswold, New York; Hon. Edwin R. V. Wright, New Jersey; Hon. Thaddeus Stevens, Pennsylvania; Hon. John A. Nicholson, Delaware; Hon. Francis Thomas, Maryland; Hon. Robert C. Schenck, Ohio; Hon. George S. Shanklin, Kentucky; Hon. Godlove S. Orth, Indiana; Hon. Joseph W. McClurg, Missouri; Hon. Fernando C. Beaman, Michigan; Hon. John A. Kasson, Iowa; Hon. Ithamar C. Sloan, Wisconsin; Hon. William Higby, California; Hon. William Windom,

Minnesota; Hon. J. H. D. Henderson, Oregon; Hon. Sidney Clarke Kansas; Hon. Kellian V Whaley, West Virginia.

The joint committee made the following report, which was concurred in by both Houses *nem. con.:*

Whereas the melancholy event of the violent and tragic death of Abraham Lincoln, late President of the United States, having occurred during the recess of Congress, and the two Houses sharing in the general grief and desiring to manifest their sensibility upon the occasion of the public bereavement: Therefore,

Be it resolved by the Senate (*the House of Representatives concurring*), That the two Houses of Congress will assemble in the Hall of the House of Representatives on Monday, the 12th day of February next, that being his anniversary birthday, at the hour of 12 m., and that, in the presence of the two Houses there assembled, an address upon the life and character of Abraham Lincoln, late President of the United States, be pronounced by Hon. Edwin M. Stanton,* and that the President of the Senate *pro tempore* and the Speaker of the House of Representatives be requested to invite the President of the United States, the heads of the several Departments, the judges of the Supreme Court, the representatives of the foreign governments near this Government, and such officers of the Army and Navy as have received the thanks of Congress who may then be at the seat of Government to be present on the occasion.

And be it further resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Lincoln, and to assure her of the profound sympathy of the two Houses of Congress for her deep personal affliction and of their sincere condolence for the late national bereavement.

[For proclamations of President Johnson recommending, in consequence of the assassination of Abraham Lincoln, late President of the United States, a day for special humiliation and prayer, see pp. 3504–3505, and for Executive order in connection therewith see p. 3537. For Executive order closing the Executive Office and the Departments on the day of the funeral of the late President, at Springfield, Ill., see p. 3533. For Executive order closing the public offices April 14, 1866, in commemoration of the assassination of the late President, see p. 3638.

* Mr. Stanton having declined, Hon. George Bancroft, of New York, in response to an invitation from the joint committee, consented to deliver the address.

Andrew Johnson

April 15, 1865, to March 4, 1869

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Andrew Johnson

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Andrew Johnson

ANDREW JOHNSON was born in Raleigh, N. C., December 29, 1808. His parents were very poor. When he was 4 years old his father died of injuries received in rescuing a person from drowning. At the age of 10 years Andrew was apprenticed to a tailor. His early education was almost entirely neglected, and, notwithstanding his natural craving to learn, he never spent a day in school. Was taught the alphabet by a fellow-workman, borrowed a book, and learned to read. In 1824 removed to Laurens Court-House, S. C., where he worked as a journeyman tailor. In May, 1826, returned to Raleigh, and in September, with his mother and stepfather, set out for Greeneville, Tenn., in a two-wheeled cart drawn by a blind pony. Here he married Eliza McCardle, a woman of refinement, who taught him to write, and read to him while he was at work during the day. It was not until he had been in Congress that he learned to write with ease. From Greeneville went to the West, but returned after the lapse of a year. In 1828 was elected alderman; was reelected in 1829 and 1830, and in 1830 was advanced to the mayoralty, which office he held for three years. In 1831 was appointed by the county court a trustee of Rhea Academy, and about this time participated in the debates of a society at Greeneville College. In 1834 advocated the adoption of a new State constitution, by which the influence of the large landholders was abridged. In 1835 represented Greene and Washington counties in the legislature. Was defeated for the legislature in 1837, but in 1839 was reelected. In 1836 supported Hugh L. White for the Presidency, and in the political altercations between John Bell and James K. Polk, which distracted Tennessee at the time, supported the former. Mr. Johnson was the only ardent follower of Bell that failed to go over to the Whig party. Was an elector for the State at large on the Van Buren ticket in 1840, and made a State reputation by the force of his oratory. In 1841 was elected to the State senate from Greene and Hawkins counties, and while in that body was one of the "immortal thirteen" Democrats who, having it in their power to prevent the election of a Whig Senator, did so by refusing to meet the

house in joint convention; also proposed that the basis of representation should rest upon white votes, without regard to the ownership of slaves. Was elected to Congress in 1843 over John A. Asken, a United States Bank Democrat, who was supported by the Whigs. His first speech was in support of the resolution to restore to General Jackson the fine imposed upon him at New Orleans; also supported the annexation of Texas. In 1845 was reelected, and supported Polk's Administration. Was regularly reelected to Congress until 1853. During this period opposed all expenditures for internal improvements that were not general; resisted and defeated the proposed contingent tax of 10 per cent on tea and coffee; made his celebrated defense of the veto power; urged the adoption of the homestead law, which was obnoxious to the extreme Southern element of his party; supported the compromise measures of 1850 as a matter of expediency, but opposed compromises in general as a sacrifice of principle. Was elected governor of Tennessee in 1853 over Gustavus A. Henry, the "Eagle Orator" of the State. In his message to the legislature he dwelt upon the homestead law and other measures for the benefit of the working classes, and earned the title of the "Mechanic Governor." Opposed the Know-nothing movement with characteristic vehemence. Was reelected governor in 1855, defeating Meredith P. Gentry, the Whig-American candidate, after a most remarkable canvass. The Kansas-Nebraska bill received his earnest support. In 1857 was elected to the United States Senate, where he urged the passage of the homestead bill, and on May 20, 1858, made his greatest speech on this subject. Opposed the grant of aid for the construction of a Pacific railroad. Was prominent in debate, and frequently clashed with Southern supporters of the Administration. His pronounced Unionism estranged him from the extremists on the Southern side, while his acceptance of slavery as an institution guaranteed by the Constitution caused him to hold aloof from the Republicans on the other. At the Democratic convention at Charleston, S. C., in 1860 was a candidate for the Presidential nomination, but received only the vote of Tennessee, and when the convention reassembled in Baltimore withdrew his name. In the canvass that followed supported John C. Breckinridge. At the session of Congress beginning in December, 1860, took decided and unequivocal grounds in opposition to secession, and on December 13 introduced a joint resolution proposing to amend the Constitution so as to elect the President and Vice-President by district votes, Senators by a direct popular vote, and to limit the terms of Federal judges to twelve years, the judges to be equally divided between slaveholding and non-slaveholding States. In his speech on this resolution, December 18 and 19, declared his unyielding opposition to secession and announced his intention to stand by and act under the Constitution. Retained his seat in the Senate until appointed by President Lincoln military governor of Tennessee, March 4, 1862. March 12 reached Nashville, and organized

a provisional government for the State; March 18 issued a proclamation in which he appealed to the people to return to their allegiance, to uphold the law, and to accept "a full and complete amnesty for all past acts and declarations;" April 5 removed the mayor and other officials of Nashville for refusing to take the oath of allegiance to the United States, and appointed others; urged the holding of Union meetings throughout the State, and frequently attended them in person; completed the railroad from Nashville to the Tennessee River; raised twenty-five regiments for service in the State; December 8, 1862, issued a proclamation ordering Congressional elections, and on the 15th levied an assessment upon the richer Southern sympathizers "in behalf of the many helpless widows, wives, and children in the city of Nashville who have been reduced to poverty and wretchedness in consequence of their husbands, sons, and fathers having been forced into the armies of this unholy and nefarious rebellion." Was nominated for Vice-President of the United States at the national Republican convention at Baltimore June 8, 1864, and was elected on November 8. In his letter of acceptance of the nomination Mr. Johnson virtually disclaimed any departure from his principles as a Democrat, but placed his acceptance upon the ground of "the higher duty of first preserving the Government." On the night of the 14th of April, 1865, President Lincoln was shot by an assassin and died the next morning. At 11 o'clock a. m. April 15 Mr. Johnson was sworn in as President, at his rooms in the Kirkwood House, Washington, by Chief Justice Chase, in the presence of nearly all the Cabinet officers and others. April 29, 1865, issued a proclamation for the removal of trade restrictions in most of the insurrectionary States, which, being in contravention of an act of Congress, was subsequently modified. May 9 issued an Executive order restoring Virginia to the Union. May 22 proclaimed all ports, except four in Texas, opened to foreign commerce on July 1, 1865. May 29 issued a general amnesty proclamation, after which the fundamental and irreconcilable differences between President Johnson and the party that had elevated him to power became more apparent. He exercised the veto power to a very great extent, but it was generally nullified by the two-thirds votes of both Houses. From May 29 to July 13, 1865, proclaimed provisional governors for North Carolina, Mississippi, Georgia, Texas, Alabama, South Carolina, and Florida, whose duties were to reorganize the State governments. The State governments were reorganized, but the Republicans claimed that the laws passed were so stringent in reference to the negroes that it was a worse form of slavery than the old. The thirteenth amendment to the Constitution became a law December 18, 1865, with Mr. Johnson's concurrence. The first breach between the President and the party in power was the veto of the Freedmen's Bureau bill, in February, 1866, which was designed to protect the negroes. March 27 vetoed the civil-rights bill, but it was passed over his veto. In a message of June 22, 1866, opposed the

joint resolution proposing the fourteenth amendment to the Constitution. In June, 1866, the Republicans in Congress brought forward their plan of reconstruction, called the "Congressional plan," in contradistinction to that of the President. The chief features of the Congressional plan were to give the negroes the right to vote, to protect them in this right, and to prevent Confederate leaders from voting. January 5, 1867, vetoed the act giving negroes the right of suffrage in the District of Columbia, but it was passed over his veto. An attempt was made to impeach the President, but it failed. In January, 1867, a bill was passed to deprive the President of the power to proclaim general amnesty, which he disregarded. Measures were adopted looking to the meeting of the Fortieth and all subsequent Congresses immediately after the adjournment of the preceding. The President was deprived of the command of the Army by a rider to the army appropriation bill, which provided that his orders should only be given through the General, who was not to be removed without the previous consent of the Senate. The bill admitting Nebraska, providing that no law should ever be passed in that State denying the right of suffrage to any person because of his color or race, was vetoed by the President, but passed over his veto. March 2, 1867, vetoed the act to provide for the more efficient government of the rebel States, but it was passed over his veto. It embodied the Congressional plan of reconstruction, and divided the Southern States into five military districts, each under an officer of the Army not under the rank of brigadier-general, who was to exercise all the functions of government until the citizens had "formed a constitution of government in conformity with the Constitution of the United States in all respects." On the same day vetoed the tenure-of-office act, which was also passed over his veto. It provided that civil officers should remain in office until the confirmation of their successors; that the members of the Cabinet should be removed only with the consent of the Senate, and that when Congress was not in session the President could suspend but not remove any official, and in case the Senate at the next session should not ratify the suspension the suspended official should be reinducted into his office. August 5, 1867, requested Edwin M. Stanton to resign his office as Secretary of War. Mr. Stanton refused, was suspended, and General Grant was appointed Secretary of War *ad interim*. When Congress met, the Senate refused to ratify the suspension. General Grant then resigned, and Mr. Stanton resumed the duties of his office. The President removed him and appointed Lorenzo Thomas, Adjutant-General of the Army, Secretary of War *ad interim*. The Senate declared this act illegal, and Mr. Stanton refused to comply, and notified the Speaker of the House. On February 24, 1868, the House of Representatives resolved to impeach the President, and on March 2 and 3 articles of impeachment were agreed upon by the House of Representatives, and on the 4th were presented to the Senate. The trial began on March 30. May 16 the test vote was had;

thirty-five Senators voted for conviction and nineteen for acquittal. A change of one vote would have carried conviction. A verdict of acquittal was entered, and the Senate sitting as a court of impeachment adjourned *sine die*. After the expiration of his term the ex-President returned to Tennessee. Was a candidate for the United States Senate, but was defeated. In 1872 was an unsuccessful candidate for Congressman from the State at large. In January, 1875, was elected to the United States Senate, and took his seat at the extra session of that year. Shortly after the session began made a speech which was a skillful but bitter attack upon President Grant. While visiting his daughter near Elizabethton, in Carter County, Tenn., was stricken with paralysis July 30, 1875, and died the following day. He was buried at Greeneville, Tenn.

INAUGURAL ADDRESS.

[From the Sunday Morning Chronicle, Washington, April 16, 1865, and The Sun, Baltimore, April 17, 1865.]

GENTLEMEN: I must be permitted to say that I have been almost overwhelmed by the announcement of the sad event which has so recently occurred. I feel incompetent to perform duties so important and responsible as those which have been so unexpectedly thrown upon me. As to an indication of any policy which may be pursued by me in the administration of the Government, I have to say that that must be left for development as the Administration progresses. The message or declaration must be made by the acts as they transpire. The only assurance that I can now give of the future is reference to the past. The course which I have taken in the past in connection with this rebellion must be regarded as a guaranty of the future. My past public life, which has been long and laborious, has been founded, as I in good conscience believe, upon a great principle of right, which lies at the basis of all things. The best energies of my life have been spent in endeavoring to establish and perpetuate the principles of free government, and I believe that the Government in passing through its present perils will settle down upon principles consonant with popular rights more permanent and enduring than heretofore. I must be permitted to say, if I understand the feelings of my own heart, that I have long labored to ameliorate and elevate the condition of the great mass of the American people. Toil and an honest advocacy of the great principles of free government have been my lot. Duties have been mine; consequences are God's. This has been the foundation of my political creed, and I feel that in the end the Government will triumph and that these great principles will be permanently established.

In conclusion, gentlemen, let me say that I want your encouragement and countenance. I shall ask and rely upon you and others in carrying the Government through its present perils. I feel in making this request that it will be heartily responded to by you and all other patriots and lovers of the rights and interests of a free people.

APRIL 15, 1865.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by my direction, the Acting Secretary of State, in a notice to the public of the 17th, requested the various religious denominations to assemble on the 19th instant, on the occasion of the obsequies of Abraham Lincoln, late President of the United States, and to observe the same with appropriate ceremonies; but

Whereas our country has become one great house of mourning, where the head of the family has been taken away, and believing that a special period should be assigned for again humbling ourselves before Almighty God, in order that the bereavement may be sanctified to the nation:

Now, therefore, in order to mitigate that grief on earth which can only be assuaged by communion with the Father in heaven, and in compliance with the wishes of Senators and Representatives in Congress, communicated to me by resolutions adopted at the National Capitol, I, Andrew Johnson, President of the United States, do hereby appoint Thursday, the 25th day of May next, to be observed, wherever in the United States the flag of the country may be respected, as a day of humiliation and mourning, and I recommend my fellow-citizens then to assemble in their respective places of worship, there to unite in solemn service to Almighty God in memory of the good man who has been removed, so that all shall be occupied at the same time in contemplation of his virtues and in sorrow for his sudden and violent end.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 25th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation of the 25th instant Thursday, the 25th day of next month, was recommended as a day for special humiliation and prayer in consequence of the assassination of Abraham Lincoln, late President of the United States; but

Whereas my attention has since been called to the fact that the day aforesaid is sacred to large numbers of Christians as one of rejoicing for the ascension of the Savior:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby suggest that the religious services recommended as aforesaid should be postponed until Thursday, the 1st day of June next.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of April, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it appears from evidence in the Bureau of Military Justice that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Va., and Jacob Thompson, Clement C. Clay, Beverley Tucker, George N. Sanders, William C. Cleary, and other rebels and traitors against the Government of the United States harbored in Canada:

Now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards:

One hundred thousand dollars for the arrest of Jefferson Davis.

Twenty-five thousand dollars for the arrest of Clement C. Clay.

Twenty-five thousand dollars for the arrest of Jacob Thompson, late of Mississippi.

Twenty-five thousand dollars for the arrest of George N. Sanders.

Twenty-five thousand dollars for the arrest of Beverley Tucker.

Ten thousand dollars for the arrest of William C. Cleary, late clerk of Clement C. Clay.

The Provost-Marshal-General of the United States is directed to cause a description of said persons, with notice of the above rewards, to be published.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States, by his proclamation of the 19th day of April, 1861, did declare certain States therein mentioned in insurrection against the Government of the United States; and

Whereas armed resistance to the authority of this Government in the said insurrectionary States may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operations of insurgent cruisers, was directed are fugitives or captives; and

Whereas it is understood that some of those cruisers are still infesting the high seas and others are preparing to capture, burn, and destroy vessels of the United States:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, hereby enjoin all naval, military, and civil officers of the United States diligently to endeavor, by all lawful means, to arrest the said cruisers and to bring them into a port of the United States, in order that they may be prevented from committing further depredations on commerce and that the persons on board of them may no longer enjoy impunity for their crimes.

And I do further proclaim and declare that if, after a reasonable time shall have elapsed for this proclamation to become known in the ports of nations claiming to have been neutrals, the said insurgent cruisers and the persons on board of them shall continue to receive hospitality in the said ports, this Government will deem itself justified in refusing hospitality to the public vessels of such nations in ports of the United States and in adopting such other measures as may be deemed advisable toward vindicating the national sovereignty.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamation of the President of the 11th day of April last certain ports of the United States therein specified, which had previously been subject to blockade, were, for objects of public safety, declared, in conformity with previous special legislation of Congress, to be closed against foreign commerce during the national will, to be thereafter expressed and made known by the President; and

Whereas events and circumstances have since occurred which, in my judgment, render it expedient to remove that restriction, except as to the ports of Galveston, La Salle, Brazos de Santiago (Point Isabel), and Brownsville, in the State of Texas:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that the ports aforesaid, not excepted as above, shall be open to foreign commerce from and after the 1st day of July next; that commercial intercourse with the said ports may from that time be carried on, subject to the laws of the United States and in pursuance of such regulations as may be prescribed by the Secretary of the Treasury. If, however, any vessel from a foreign port shall enter any of the before-named excepted ports in the State of Texas, she will continue to be held liable to the penalties prescribed by the act of Congress approved on the 13th day of July, 1861, and the persons on board of her to such penalties as may be incurred, pursuant to the laws of war, for trading or attempting to trade with an enemy.

And I, Andrew Johnson, President of the United States, do hereby declare and make known that the United States of America do henceforth disallow to all persons trading or attempting to trade in any ports of the United States in violation of the laws thereof all pretense of belligerent rights and privileges; and I give notice that from the date of this proclamation all such offenders will be held and dealt with as pirates.

It is also ordered that all restrictions upon trade heretofore imposed in the territory of the United States east of the Mississippi River, save those relating to contraband of war, to the reservation of the rights of the United States to property purchased in the territory of an enemy, and to

the 25 per cent upon purchases of cotton be removed. All provisions of the internal-revenue law will be carried into effect under the proper officers.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL]. Done at the city of Washington, this 22d day of May, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States, on the 8th day of December, A. D. 1863, and on the 26th day of March, A. D. 1864, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had, directly or by implication, participated in the said rebellion; and

Whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and

Whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder by reason of their participation, directly or by implication, in said rebellion and continued hostility to the Government of the United States since the date of said proclamations now desire to apply for and obtain amnesty and pardon.

To the end, therefore, that the authority of the Government of the United States may be restored and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves and except in cases where legal proceedings under the laws of the United States providing for the confiscation of property of persons engaged in rebellion have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation) and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation and shall be of the tenor and effect following, to wit:

I, ——— ———, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United

States and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God.

The following classes of persons are excepted from the benefits of this proclamation:

First. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended Confederate government.

Second. All who left judicial stations under the United States to aid the rebellion.

Third. All who shall have been military or naval officers of said pretended Confederate government above the rank of colonel in the army or lieutenant in the navy.

Fourth. All who left seats in the Congress of the United States to aid the rebellion.

Fifth. All who resigned or tendered resignations of their commissions in the Army or Navy of the United States to evade duty in resisting the rebellion.

Sixth. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities.

Seventh. All persons who have been or are absentees from the United States for the purpose of aiding the rebellion.

Eighth. All military and naval officers in the rebel service who were educated by the Government in the Military Academy at West Point or the United States Naval Academy.

Ninth. All persons who held the pretended offices of governors of States in insurrection against the United States.

Tenth. All persons who left their homes within the jurisdiction and protection of the United States and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion.

Eleventh. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas and all persons who have made raids into the United States from Canada or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States.

Twelfth. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement or custody, or under bonds of the civil, military, or naval authorities or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction.

Thirteenth. All persons who have voluntarily participated in said rebellion and the estimated value of whose taxable property is over $20,000.

Fourteenth. All persons who have taken the oath of amnesty as prescribed in the President's proclamation of December 8, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said proclamation and who have not thenceforward kept and maintained the same inviolate.

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

The Secretary of State will establish rules and regulations for administering and recording the said amnesty oath, so as to insure its benefit to the people and guard the Government against fraud.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 29th day of May, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of North Carolina of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose

of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William W. Holden provisional governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United

States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which North Carolina is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of May, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Mississippi of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Mississippi in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William L. Sharkey, of Mississippi, provisional governor of the State of Mississippi, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Mississippi to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Mississippi in force immediately before the 9th of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Mississippi is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamation* of the 29th of April, 1865, all restrictions upon internal, domestic, and commercial intercourse, with certain exceptions therein specified and set forth, were removed "in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River as shall be embraced within the lines of national military occupation;" and

Whereas by my proclamation of the 22d of May, 1865, for reasons therein given, it was declared that certain ports of the United States which had been previously closed against foreign commerce should, with certain specified exceptions, be reopened to such commerce on and after the 1st day of July next, subject to the laws of the United States, and in pursuance of such regulations as might be prescribed by the Secretary of the Treasury; and

Whereas I am satisfactorily informed that dangerous combinations against the laws of the United States no longer exist within the State of Tennessee; that the insurrection heretofore existing within said State has been suppressed; that within the boundaries thereof the authority of the United States is undisputed, and that such officers of the United States as have been duly commissioned are in the undisturbed exercise of their official functions:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade and upon the removal of products of States heretofore declared in insurrection, reserving and excepting only those relating to contraband of war, as hereinafter recited, and also those which relate to the reservation of the rights of the United States to property purchased in the territory of an enemy heretofore imposed in the territory of the United States east of the Mississippi River, are annulled, and I do hereby direct that they be forthwith removed; and that on and after the 1st day of July next all restrictions upon foreign commerce with said ports, with the exception and reservation aforesaid, be likewise removed; and that the commerce of said States shall be conducted under the supervision of the regularly appointed officers of the customs provided by law, and such officers of the customs shall receive any captured and abandoned property that may be turned over to them under the law by the military or naval forces of the United States and dispose of such property as shall be directed by the Secretary of the Treasury. The following articles, contraband of war, are excepted from the effect of this proclamation: Arms, ammunition, all articles from which ammunition is made, and gray uniforms and cloth.

* Executive order.

And I hereby also proclaim and declare that the insurrection, so far as it relates to and within the State of Tennessee and the inhabitants of the said State of Tennessee as reorganized and constituted under their recently adopted constitution and reorganization and accepted by them, is suppressed, and therefore, also, that all the disabilities and disqualifications attaching to said State and the inhabitants thereof consequent upon any proclamation issued by virtue of the fifth section of the act entitled "An act further to provide for the collection of duties on imports and for other purposes," approved the 13th day of July, 1861, are removed.

But nothing herein contained shall be considered or construed as in any wise changing or impairing any of the penalties and forfeitures for treason heretofore incurred under the laws of the United States or any of the provisions, restrictions, or disabilities set forth in my proclamation bearing date the 29th day of May, 1865, or as impairing existing regulations for the suspension of the *habeas corpus* and the exercise of military law in cases where it shall be necessary for the general public safety and welfare during the existing insurrection; nor shall this proclamation affect or in any way impair any laws heretofore passed by Congress and duly approved by the President or any proclamations or orders issued by him during the aforesaid insurrection abolishing slavery or in any way affecting the relations of slavery, whether of persons or property; but, on the contrary, all such laws and proclamations heretofore made or issued are expressly saved and declared to be in full force and virtue.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Georgia of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Georgia in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint James Johnson, of Georgia, provisional governor of the State of Georgia, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Georgia to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Georgia in force immediately before the 19th of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Georgia is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Texas of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of the State of Texas in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Andrew J. Hamilton, of Texas, provisional governor of the State of Texas, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Texas to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the

President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Texas in force immediately before the 1st day of February, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Texas is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws

relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Alabama of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Alabama in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Lewis E. Parsons, of Alabama, provisional governor of the State of Alabama, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Alabama to

restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Alabama in force immediately before the 11th day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Alabama is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation,

and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamations of the President of the 19th and 27th of April, 1861, a blockade of certain ports of the United States was set on foot; but

Whereas the reasons for that measure have ceased to exist:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to all the ports aforesaid, including that of Galveston and other ports west of the Mississippi River, which ports will be open to foreign commerce on the 1st of July next on the terms and conditions set forth in my proclamation of the 22d of May last.

It is to be understood, however, that the blockade thus rescinded was an international measure for the purpose of protecting the sovereign rights of the United States. The greater or less subversion of civil authority in the region to which it applied and the impracticability of at once restoring that in due efficiency may for a season make it advisable to employ the Army and Navy of the United States toward carrying the laws into effect wherever such employment may be necessary.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas it has been the desire of the General Government of the United States to restore unrestricted commercial intercourse between and in the several States as soon as the same could be safely done in view of resistance to the authority of the United States by combinations of armed insurgents; and

Whereas that desire has been shown in my proclamations of the 29th of April, 1865, the 13th of June, 1865, and the 23d of June, 1865; and

Whereas it now seems expedient and proper to remove restrictions upon internal, domestic, and coastwise trade and commercial intercourse between and within the States and Territories west of the Mississippi River:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade and upon the purchase and removal of products of States and parts of States and Territories heretofore declared in insurrection, lying west of the Mississippi River (excepting only those relating to property heretofore purchased by the agents or captured by or surrendered to the forces of the United States and to the transportation thereto or therein on private account of arms, ammunition, all articles from which ammunition is made, gray uniforms, and gray cloth), are annulled; and I do hereby direct that they be forthwith removed, and also that the commerce of such States and parts of States shall be conducted under the supervision of the regularly appointed officers of the customs, [who] shall receive any captured and abandoned property that may be turned over to them under the law by the military or naval forces of the United States and dispose of the same in accordance with instructions on the subject issued by the Secretary of the Treasury.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of June, A. D. 1865, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil

executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of South Carolina of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of South Carolina in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint Benjamin F. Perry, of South Carolina, provisional governor of the State of South Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of South Carolina to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of South Carolina in force immediately before the 17th day of November, A. D. 1860, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which South Carolina is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of June, A. D. 1865, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion and domestic violence; and

Whereas the President of the United States is by the Constitution made Commander in Chief of the Army and Navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States and to take care that the laws be faithfully executed; and

Whereas the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of the State of Florida of all civil government; and

Whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Florida in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States and for the purpose of enabling the loyal people of said State to organize a State government whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States and Commander in Chief of the Army and Navy of the United States, do hereby appoint William Marvin provisional governor of the State of Florida, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof, and with authority to exercise within the limits of said State all the powers necessary and proper to enable such loyal people of the State of Florida to restore said State to its constitutional relations to the Federal Government and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor and its people to protection by the United States against invasion, insurrection, and domestic violence: *Provided*, That in any election that may be hereafter held for choosing delegates to any State convention as aforesaid no person shall be qualified as an elector or shall be eligible as a member of such convention unless he shall have previously taken and subscribed

the oath of amnesty as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Florida in force immediately before the 10th day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors and the eligibility of persons to hold office under the constitution and laws of the State—a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

And I do hereby direct—

First. That the military commander of the department and all officers and persons in the military and naval service aid and assist the said provisional governor in carrying into effect this proclamation; and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the State Department applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge for the judicial district in which Florida is included proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation and enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of July, A. D. 1865, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by my proclamations of the 13th and 24th of June, 1865, removing restrictions, in part, upon internal, domestic, and coastwise intercourse and trade with those States recently declared in insurrection, certain articles were excepted from the effect of said proclamations as contraband of war; and

Whereas the necessity for restricting trade in said articles has now in a great measure ceased:

It is hereby ordered that on and after the 1st day of September, 1865, all restrictions aforesaid be removed, so that the articles declared by the said proclamations to be contraband of war may be imported into and sold in said States, subject only to such regulations as the Secretary of the Treasury may prescribe.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of August, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a proclamation of the 5th day of July, 1864, the President of the United States, when the civil war was flagrant and when combinations were in progress in Kentucky for the purpose of inciting insurgent raids into that State, directed that the proclamation suspending the privilege of the writ of *habeas corpus* should be made effectual in

Kentucky and that martial law should be established there and continue until said proclamation should be revoked or modified; and

Whereas since then the danger from insurgent raids into Kentucky has substantially passed away:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the authority vested in me by the Constitution, do hereby declare that the said proclamation of the 5th day of July, 1864, shall be, and is hereby, modified in so far that martial law shall be no longer in force in Kentucky from and after the date hereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has pleased Almighty God during the year which is now coming to an end to relieve our beloved country from the fearful scourge of civil war and to permit us to secure the blessings of peace, unity, and harmony, with a great enlargement of civil liberty; and

Whereas our Heavenly Father has also during the year graciously averted from us the calamities of foreign war, pestilence, and famine, while our granaries are full of the fruits of an abundant season; and

Whereas righteousness exalteth a nation, while sin is a reproach to any people:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the Universe for these great deliverances and blessings.

And I do further recommend that on that occasion the whole people make confession of our national sins against His infinite goodness, and with one heart and one mind implore the divine guidance in the ways of national virtue and holiness.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of October, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H SEWARD, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas by the proclamation of the President of the United States of the 15th day of September, 1863, the privilege of the writ of *habeas corpus* was, in certain cases therein set forth, suspended throughout the United States; and

Whereas the reasons for that suspension may be regarded as having ceased in some of the States and Territories:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the suspension aforesaid and all other proclamations and orders suspending the privilege of the writ of *habeas corpus* in the States and Territories of the United States are revoked and annulled, excepting as to the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the District of Columbia, and the Territories of New Mexico and Arizona.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of December, A. D. 1865, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE CHAMBER,
Washington, April 29, 1865.

Being desirous to relieve all loyal citizens and well-disposed persons residing in insurrectionary States from unnecessary commercial restrictions and to encourage them to return to peaceful pursuits—

It is hereby ordered, I. That all restrictions upon internal, domestic, and coastwise commercial intercourse be discontinued in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River as shall be embraced within the lines of national military occupation, excepting only such restrictions as are imposed by acts of Congress and regulations in pursuance thereof prescribed by the Secretary of the Treasury and approved by the President, and excepting

also from the effect of this order the following articles contraband of war, to wit: Arms, ammunition, all articles from which ammunition is manufactured, gray uniforms and cloth, locomotives, cars, railroad iron, and machinery for operating railroads, telegraph wires, insulators, and instruments for operating telegraphic lines.

II. That all existing military and naval orders in any manner restricting internal, domestic, and coastwise commercial intercourse and trade with or in the localities above named be, and the same are hereby, revoked, and that no military or naval officer in any manner interrupt or interfere with the same, or with any boats or other vessels engaged therein under proper authority, pursuant to the regulations of the Secretary of the Treasury.

ANDREW JOHNSON.

WAR DEPARTMENT,
Washington City, April 29, 1865.

The Executive order of January 20, 1865, prohibiting the exportation of hay, is rescinded from and after the 1st day of May, 1865.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE CHAMBER,
Washington City, May 1, 1865.

Whereas the Attorney-General of the United States hath given his opinion that the persons implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors, are subject to the jurisdiction of and lawfully triable before a military commission—

It is ordered:

First. That the assistant adjutant-general detail nine competent military officers to serve as a commission for the trial of said parties, and that the Judge-Advocate-General proceed to prefer charges against said parties for their alleged offenses and bring them to trial before said military commission; that said trial or trials be conducted by the said Judge-Advocate-General, and as recorder thereof, in person, aided by such assistant or special judge-advocate as he may designate, and that said trials be conducted with all diligence consistent with the ends of justice; the said commission to sit without regard to hours.

Second. That Brevet Major-General Hartranft be assigned to duty as special provost-marshal-general for the purpose of said trial, and attendance upon said commission, and the execution of its mandates.

Third. That the said commission establish such order or rules of proceeding as may avoid unnecessary delay and conduce to the ends of public justice.

ANDREW JOHNSON.

Official copy:

W. A. NICHOLS,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, D. C., May 3, 1865.

ORDER RESCINDING REGULATIONS PROHIBITING THE EXPORTATION OF ARMS, AMMUNITION, HORSES, MULES, AND LIVE STOCK.

The Executive order of November 21, 1862, prohibiting the exportation of arms and ammunition from the United States, and the Executive order of May 13, 1863,* prohibiting the exportation of horses, mules, and live stock, being no longer required by public necessities, the aforesaid orders are hereby rescinded and annulled.

By order of the President of the United States:

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION,
Washington, May 4, 1865.

This being the day of the funeral of the late President, Abraham Lincoln, at Springfield, Ill., the Executive Office and the various Departments will be closed at 12 m. to-day.

ANDREW JOHNSON,
President of the United States.

SPECIAL ORDERS, NO. 211.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 6, 1865.

* * * * * * *

4. A military commission is hereby appointed to meet at Washington, D. C., on Monday, the 8th day of May, 1865, at 9 o'clock a. m., or as soon thereafter as practicable, for the trial of David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, Samuel A. Mudd, and such other prisoners as may be brought before it, implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William

* Order of Secretary of War.

H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors.

Detail for the court.

Major-General David Hunter, United States Volunteers.

Major-General Lewis Wallace, United States Volunteers.

Brevet Major-General August V. Kautz, United States Volunteers.

Brigadier-General Albion P. Howe, United States Volunteers.

Brigadier-General Robert S. Foster, United States Volunteers.

Brevet Brigadier-General Cyrus B. Comstock,* United States Volunteers.

Brigadier-General T. M. Harris, United States Volunteers.

Brevet Colonel Horace Porter,† aid-de-camp.

Lieutenant-Colonel David R. Clendenin, Eighth Illinois Cavalry.

Brigadier-General Joseph Holt, Judge-Advocate-General, United States Army, is appointed the judge-advocate and recorder of the commission, to be aided by such assistant or special judge-advocate as he may designate.

The commission will sit without regard to hours.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington City, May 7, 1865.*

Brigadier-General Holt, Judge-Advocate-General, having designated the Hon. John A. Bingham as a special judge-advocate, whose aid he requires in the prosecution of Herold and others before the military commission of which Major-General Hunter is presiding officer:

It is ordered, That the said John A. Bingham be, and he is hereby, appointed special judge-advocate for the purpose aforesaid, to aid the Judge-Advocate-General, pursuant to the order of the President in respect to said military commission.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

SPECIAL ORDERS, NO. 216.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 9, 1865.

* * * * * * *

91. Brevet Brigadier-General Cyrus B. Comstock, United States Volunteers, and Brevet Colonel Horace Porter, aid-de-camp, are hereby relieved

* Brevet Brigadier-General James A. Ekin substituted; see Special Orders, No. 216.

† Brevet Colonel C. H. Tompkins substituted; see Special Orders, No. 216.

from duty as members of the military commission appointed in Special Orders, No. 211, paragraph 4, dated "War Department, Adjutant-General's Office, Washington, May 6, 1865," and Brevet Brigadier-General James A. Ekin, United States Volunteers, and Brevet Colonel C. H. Tompkins, United States Army, are detailed in their places, respectively.

The commission will be composed as follows:

Major-General David Hunter, United States Volunteers.
Major-General Lewis Wallace, United States Volunteers.
Brevet Major-General August V. Kautz, United States Volunteers.
Brigadier-General Albion P. Howe, United States Volunteers.
Brigadier-General Robert S. Foster, United States Volunteers.
Brevet Brigadier-General James A. Ekin, United States Volunteers.
Brigadier-General T. M. Harris, United States Volunteers.
Brevet Colonel C. H. Tompkins, United States Army.
Lieutenant-Colonel David R. Clendenin, Eighth Illinois Cavalry.
Brigadier-General Joseph Holt, judge-advocate and recorder.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE CHAMBER,
Washington City, May 9, 1865.

EXECUTIVE ORDER TO REESTABLISH THE AUTHORITY OF THE UNITED STATES AND EXECUTE THE LAWS WITHIN THE GEOGRAPHICAL LIMITS KNOWN AS THE STATE OF VIRGINIA.

Ordered, first. That all acts and proceedings of the political, military, and civil organizations which have been in a state of insurrection and rebellion within the State of Virginia against the authority and laws of the United States, and of which Jefferson Davis, John Letcher, and William Smith were late the respective chiefs, are declared null and void. All persons who shall exercise, claim, pretend, or attempt to exercise any political, military, or civil power, authority, jurisdiction, or right by, through, or under Jefferson Davis, late of the city of Richmond, and his confederates, or under John Letcher or William Smith and their confederates, or under any pretended political, military, or civil commission or authority issued by them or either of them since the 17th day of April, 1861, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly.

Second. That the Secretary of State proceed to put in force all laws of the United States the administration whereof belongs to the Department of State applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed without delay to

nominate for appointment assessors of taxes and collectors of customs and internal revenue and such other officers of the Treasury Department as are authorized by law, and shall put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed; but if suitable persons shall not be found residents of the districts, then persons residing in other States or districts shall be appointed.

Fourth. That the Postmaster-General shall proceed to establish post-offices and post routes and put into execution the postal laws of the United States within the said State, giving to loyal residents the preference of appointment; but if suitable persons are not found, then to appoint agents, etc., from other States.

Fifth. That the district judge of said district proceed to hold courts within said State in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation, and enforce the administration of justice within said State in all matters, civil and criminal, within the cognizance and jurisdiction of the Federal courts.

Sixth. That the Secretary of War assign such assistant provost-marshal-general and such provost-marshals in each district of said State as he may deem necessary.

Seventh. The Secretary of the Navy will take possession of all public property belonging to the Navy Department within said geographical limits and put in operation all acts of Congress in relation to naval affairs having application to the said State.

Eighth. The Secretary of the Interior will also put in force the laws relating to the Department of the Interior.

Ninth. That to carry into effect the guaranty by the Federal Constitution of a republican form of State government and afford the advantage and security of domestic laws, as well as to complete the reestablishment of the authority and laws of the United States and the full and complete restoration of peace within the limits aforesaid, Francis H. Peirpoint, governor of the State of Virginia, will be aided by the Federal Government so far as may be necessary in the lawful measures which he may take for the extension and administration of the State government throughout the geographical limits of said State.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

WAR DEPARTMENT,
Washington City, May 27, 1865.

Ordered, That in all cases of sentences by military tribunals of imprisonment during the war the sentence be remitted and that the prisoners be discharged. The Adjutant-General will issue immediately the necessary instructions to carry this order into effect.

By order of the President of the United States:

EDWIN M. STANTON, *Secretary of War.*

EXECUTIVE OFFICE,
Washington, D. C., May 31, 1865.

To-morrow, the 1st of June, being the day appointed for special humiliation and prayer in consequence of the assassination of Abraham Lincoln, late President of the United States, the Executive Office and the various Departments will be closed during the day.

ANDREW JOHNSON,
President of the United States.

GENERAL ORDERS, No. 107.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 2, 1865.

Ordered, That all military restrictions upon trade in any of the States or Territories of the United States, except in articles contraband of war—to wit, arms, ammunition, gray cloth, and all articles from which ammunition is manufactured; locomotives, cars, railroad iron, and machinery for operating railroads; telegraph wires, insulators, and instruments for operating telegraphic lines—shall cease from and after the present date.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

DEPARTMENT OF STATE,
Washington, June 2, 1865.

Whereas, pursuant to the order of the President and as a means required by the public safety, directions were issued from this Department, under date of the 17th of December, 1864, requiring passports from all travelers entering the United States, except immigrant passengers directly entering an American port from a foreign country; and

Whereas the necessities which required the adoption of that measure are believed no longer to exist:

Now, therefore, the President directs that from and after this date the order above referred to shall be, and the same is hereby, rescinded.

Nothing in this regulation, however, will be construed to relieve from

due accountability any enemies of the United States or offenders against their peace and dignity who may hereafter seek to enter the country or at any time be found within its lawful jurisdiction.

WILLIAM H. SEWARD.

EXECUTIVE MANSION,
Washington, D. C., June 2, 1865.

Whereas by an act of Congress approved March 3, 1865, there was established in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands, and to which, in accordance with the said act of Congress, is committed the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory embraced in the operations of the Army, under such rules and regulations as may be prescribed by the head of the Bureau and approved by the President; and

Whereas it appears that the management of abandoned lands and subjects relating to refugees and freedmen, as aforesaid, have been and still are, by orders based on military exigencies or legislation based on previous statutes, partly in the hands of military officers disconnected with said Bureau and partly in charge of officers of the Treasury Department: It is therefore

Ordered, That all officers of the Treasury Department, all military officers, and all others in the service of the United States turn over to the authorized officers of said Bureau all abandoned lands and property contemplated in said act of Congress approved March 3, 1865, establishing the Bureau of Refugees, Freedmen, and Abandoned Lands, that may now be under or within their control. They will also turn over to such officers all funds collected by tax or otherwise for the benefit of refugees or freedmen or accruing from abandoned lands or property set apart for their use, and will transfer to them all official records connected with the administration of affairs which pertain to said Bureau.

ANDREW JOHNSON.

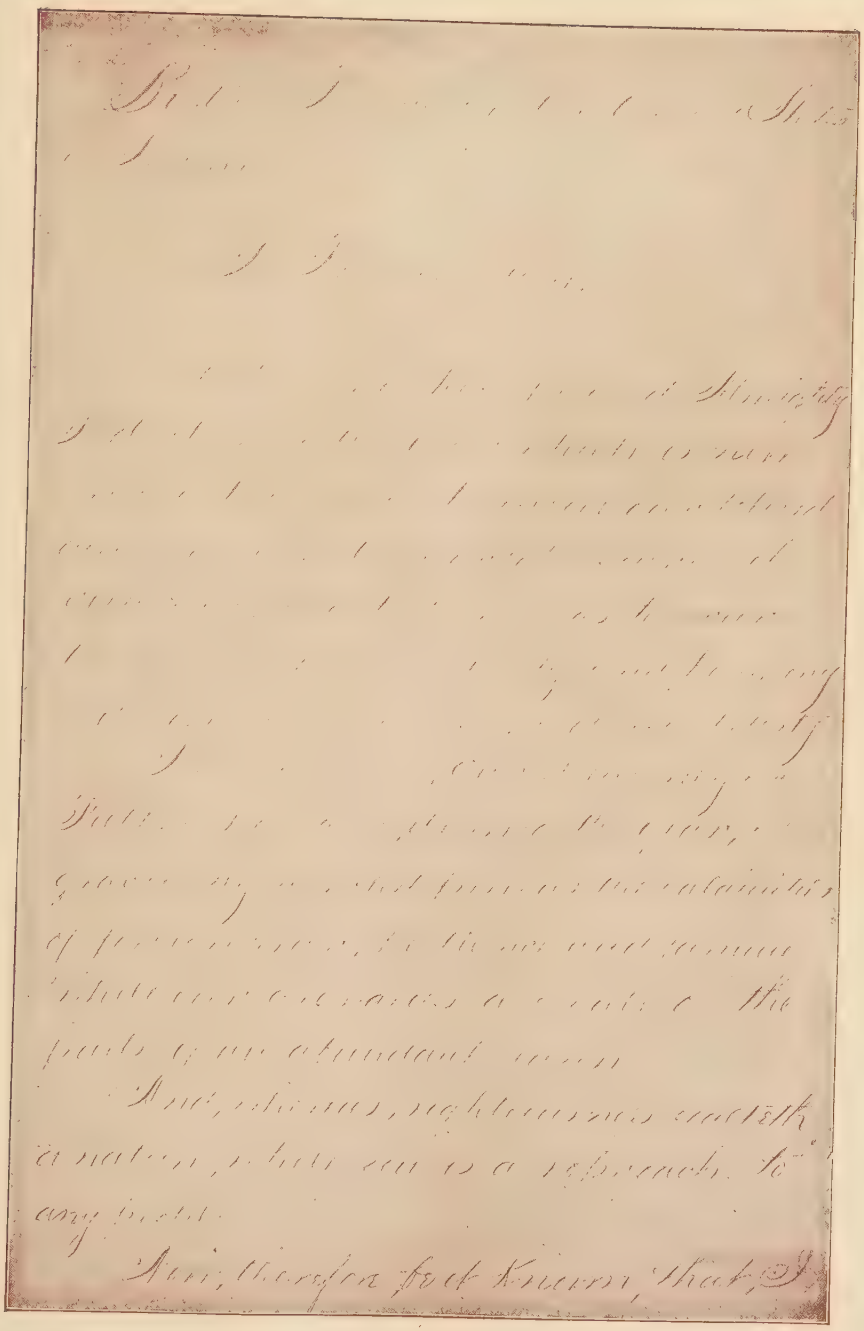
GENERAL ORDERS, NO. 109.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 6, 1865.

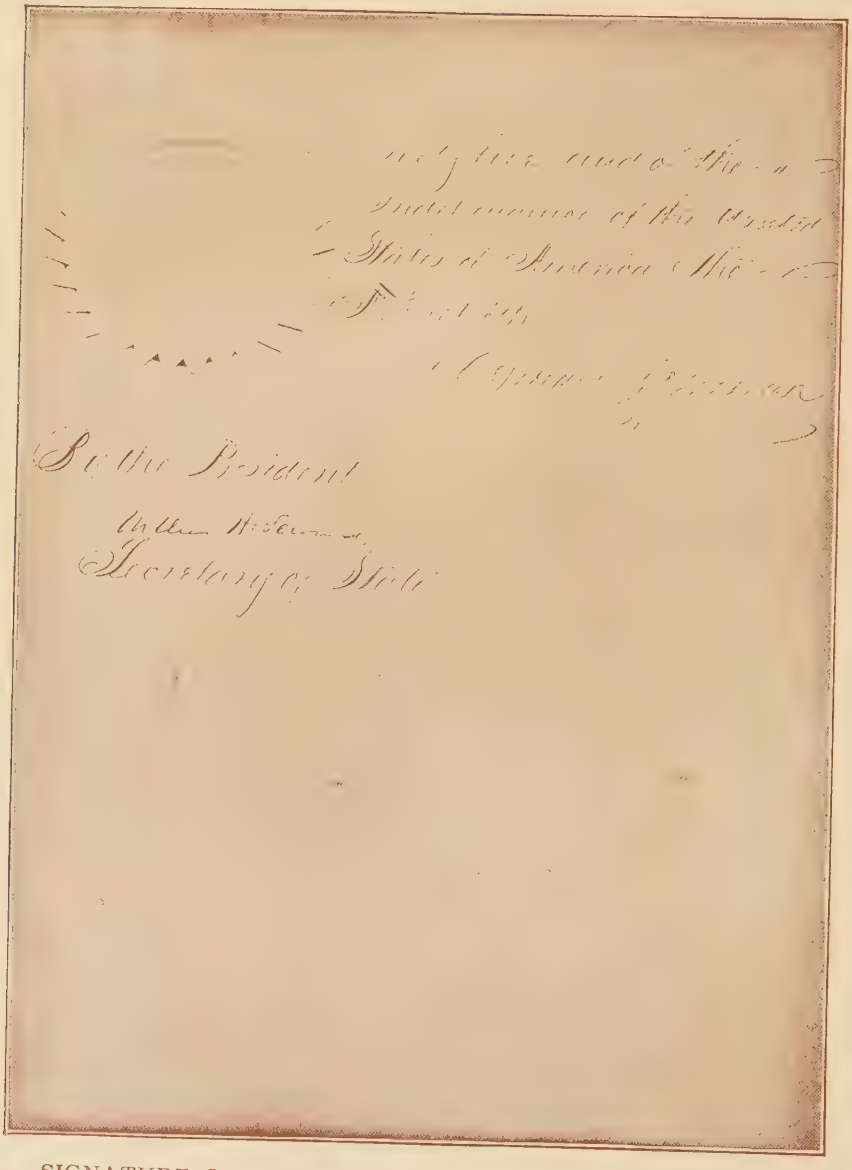
ORDER FOR THE DISCHARGE OF CERTAIN PRISONERS OF WAR.

The prisoners of war at the several depots in the North will be discharged under the following regulations and restrictions:

I. All enlisted men of the rebel army and petty officers and seamen of the rebel navy will be discharged upon taking the oath of allegiance.



THANKSGIVING PROCLAMATION OF PRESIDENT ANDREW JOHNSON.



SIGNATURE OF PRESIDENT JOHNSON TO THANKSGIVING PROCLAMATION.

II. Officers of the rebel army not above the grade of captain and of the rebel navy not above the grade of lieutenant, except such as have graduated at the United States Military or Naval academies and such as held a commission in either the United States Army or Navy at the beginning of the rebellion, may be discharged upon taking the oath of allegiance.

III. When the discharges hereby ordered are completed, regulations will be issued in respect to the discharge of officers having higher rank than captain in the army or lieutenant in the navy.

IV. The several commanders of prison stations will discharge each day as many of the prisoners hereby authorized to be discharged as proper rolls can be prepared for, beginning with those who have been longest in prison and from the most remote points of the country; and certified rolls will be forwarded daily to the Commissary-General of Prisoners of those so discharged. The oath of allegiance only will be administered, but notice will be given that all who desire will be permitted to take the oath of amnesty after their release, in accordance with the regulations of the Department of State respecting the amnesty.

V. The Quartermaster's Department will furnish transportation to all released prisoners to the nearest accessible point to their homes, by rail or by steamboat.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, June 6, 1865.

Whereas circumstances of recent occurrence have made it no longer necessary to continue the prohibition of the departure for her destination of the gunboat *Fusyama*, built at New York for the Japanese Government, it is consequently ordered that that prohibition be removed. The Secretary of the Treasury will therefore cause a clearance to be issued to the *Fusyama*, and the Secretary of the Navy will not allow any obstacle thereto.

ANDREW JOHNSON.

[From the Daily National Intelligencer, June 13, 1865.]

CIRCULAR.

ATTORNEY-GENERAL'S OFFICE,
Washington, June 7, 1865.

By direction of the President, all persons belonging to the excepted classes enumerated in the President's amnesty proclamation of May 29, 1865, who may make special applications to the President for pardon are hereby notified that before their respective applications will be considered it must be shown that they have respectively taken and subscribed the

oath (or affirmation) in said proclamation prescribed. Every such person desiring a special pardon should make personal application in writing therefor, and should transmit with such application the original oath (or affirmation) as taken and subscribed before an officer authorized under the rules and regulations promulgated by the Secretary of State to administer the amnesty oath prescribed in the said proclamation of the President.

JAMES SPEED,
Attorney-General.

EXECUTIVE OFFICE,
Washington, D. C., June 9, 1865.

It is represented to me in a communication from the Secretary of the Interior that Indians in New Mexico have been seized and reduced into slavery, and it is recommended that the authority of the executive branch of the Government should be exercised for the effectual suppression of a practice which is alike in violation of the rights of the Indians and of the provisions of the organic law of the said Territory.

Concurring in this recommendation, I do hereby order that the heads of the several Executive Departments do enjoin upon the subordinates, agents, and employees under their respective orders or supervision in that Territory to discountenance the practice aforesaid and to take all lawful means to suppress the same.

ANDREW JOHNSON.

GENERAL COURT-MARTIAL ORDERS, No. 356.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 5, 1865.

I. Before a military commission which convened at Washington, D. C., May 9, 1865, pursuant to paragraph 4 of Special Orders, No. 211, dated May 6, 1865, and paragraph 91 of Special Orders, No. 216, dated May 9, 1865, War Department, Adjutant-General's Office, Washington, and of which Major-General David Hunter, United States Volunteers, is president, were arraigned and tried David E. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd.

CHARGE I.

For maliciously, unlawfully, and traitorously, and in aid of the existing armed rebellion against the United States of America, on or before the 6th day of March, A. D. 1865, and on divers other days between that day and the 15th day of April, A. D. 1865, combining, confederating, and conspiring together with one John H. Surratt, John Wilkes Booth, Jefferson Davis, George N. Sanders, Beverley Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young, and

others unknown to kill and murder, within the Military Department of Washington, and within the fortified and intrenched lines thereof, Abraham Lincoln, late, and at the time of said combining, confederating, and conspiring, President of the United States of America and Commander in Chief of the Army and Navy thereof; Andrew Johnson, now Vice-President of the United States aforesaid; William H. Seward, Secretary of State of the United States aforesaid; and Ulysses S. Grant, Lieutenant-General of the Army of the United States aforesaid, then in command of the armies of the United States, under the direction of the said Abraham Lincoln; and in pursuance of and in prosecuting said malicious, unlawful, and traitorous conspiracy aforesaid, and in aid of said rebellion, afterwards, to wit, on the 14th day of April, A. D. 1865, within the Military Department of Washington aforesaid, and within the fortified and intrenched lines of said military department, together with said John Wilkes Booth and John H. Surratt, maliciously, unlawfully, and traitorously murdering the said Abraham Lincoln, then President of the United States and Commander in Chief of the Army and Navy of the United States as aforesaid; and maliciously, unlawfully, and traitorously assaulting, with intent to kill and murder, the said William H. Seward, then Secretary of State of the United States as aforesaid; and lying in wait, with intent maliciously, unlawfully, and traitorously to kill and murder the said Andrew Johnson, then being Vice-President of the United States, and the said Ulysses S. Grant, then being Lieutenant-General and in command of the armies of the United States as aforesaid.

SPECIFICATION FIRST.

In this, that they, the said David E. Herold, Edward Spangler, Lewis Payne, Michael O'Laughlin, Samuel Arnold, Mary E. Surratt, George A. Atzerodt, and Samuel A. Mudd, together with the said John H. Surratt and John Wilkes Booth, incited and encouraged thereunto by Jefferson Davis, George N. Sanders, Beverley Tucker, Jacob Thompson, William C. Cleary, Clement C. Clay, George Harper, George Young, and others unknown, citizens of the United States aforesaid, and who were then engaged in armed rebellion against the United States of America, within the limits thereof, did, in aid of said armed rebellion, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, confederate, and conspire together at Washington City, within the Military Department of Washington, and within the intrenched fortifications and military lines of the said United States there being, unlawfully, maliciously, and traitorously to kill and murder Abraham Lincoln, then President of the United States aforesaid and Commander in Chief of the Army and Navy thereof; and unlawfully, maliciously, and traitorously to kill and murder Andrew Johnson, now Vice-President of the said United States, upon whom, on the death of said Abraham Lincoln, after the 4th day of March, A. D. 1865, the office of President of the said United States and Commander in Chief of the Army and Navy thereof would devolve; and to unlawfully, maliciously, and traitorously kill and murder Ulysses S. Grant, then Lieutenant-General, and, under the direction of the said Abraham Lincoln, in command of the armies of the United States aforesaid; and unlawfully, maliciously, and traitorously to kill and murder William H. Seward, then Secretary of State of the United States aforesaid, whose duty it was by law, upon the death of said President and Vice-President of the United States aforesaid, to cause an election to be held for electors of President of the United States—the conspirators aforesaid designing and intending by the killing and murder of the said Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, and William H. Seward, as aforesaid, to deprive the Army and Navy of the said United States of a constitutional Commander in Chief, and to deprive the armies of the United States of their lawful commander, and to prevent a lawful election of President and Vice-President of the United States aforesaid, and by the means aforesaid to aid and comfort the insurgents engaged in armed rebellion against the

said United States as aforesaid, and thereby to aid in the subversion and overthrow of the Constitution and laws of the said United States.

And being so combined, confederated, and conspiring together in the prosecution of said unlawful and traitorous conspiracy, on the night of the 14th day of April, A. D. 1865, at the hour of about 10 o'clock and 15 minutes p. m., at Ford's Theater, on Tenth street, in the city of Washington, and within the military department and military lines aforesaid, John Wilkes Booth, one of the conspirators aforesaid, in pursuance of said unlawful and traitorous conspiracy, did then and there unlawfully, maliciously, and traitorously, and with intent to kill and murder the said Abraham Lincoln, discharge a pistol then held in the hands of him, the said Booth, the same being then loaded with powder and a leaden ball, against and upon the left and posterior side of the head of the said Abraham Lincoln, and did thereby then and there inflict upon him, the said Abraham Lincoln, then President of the said United States and Commander in Chief of the Army and Navy thereof, a mortal wound, whereof afterwards, to wit, on the 15th day of April, A. D. 1865, at Washington City aforesaid, the said Abraham Lincoln died; and thereby then and there, and in pursuance of said conspiracy, the said defendants and the said John Wilkes Booth and John H. Surratt did unlawfully, traitorously, and maliciously, and with the intent to aid the rebellion as aforesaid, kill and murder the said Abraham Lincoln, President of the United States as aforesaid.

And in further prosecution of the unlawful and traitorous conspiracy aforesaid and of the murderous and traitorous intent of said conspiracy, the said Edward Spangler, on said 14th day of April, A. D. 1865, at about the same hour of that day as aforesaid, within said military department and the military lines aforesaid, did aid and assist the said John Wilkes Booth to obtain entrance to the box in said theater in which said Abraham Lincoln was sitting at the time he was assaulted and shot, as aforesaid, by John Wilkes Booth; and also did then and there aid said Booth in barring and obstructing the door of the box of said theater, so as to hinder and prevent any assistance to or rescue of the said Abraham Lincoln against the murderous assault of the said John Wilkes Booth, and did aid and abet him in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid.

And in further prosecution of said unlawful, murderous, and traitorous conspiracy, and in pursuance thereof, and with the intent as aforesaid, the said David E. Herold did, on the night of the 14th of April, A. D. 1865, within the military department and military lines aforesaid, aid, abet, and assist the said John Wilkes Booth in the killing and murder of the said Abraham Lincoln, and did then and there aid and abet and assist him, the said John Wilkes Booth, in attempting to escape through the military lines aforesaid, and did accompany and assist the said John Wilkes Booth in attempting to conceal himself and escape from justice after killing and murdering said Abraham Lincoln, as aforesaid.

And in further prosecution of said unlawful and traitorous conspiracy and of the intent thereof as aforesaid, the said Lewis Payne did, on the same night of the 14th day of April, A. D. 1865, about the same hour of 10 o'clock and 15 minutes p. m., at the city of Washington, and within the military department and the military lines aforesaid, unlawfully and maliciously make an assault upon the said William H. Seward, Secretary of State, as aforesaid, in the dwelling house and bedchamber of him, the said William H. Seward, and the said Payne did then and there, with a large knife held in his hand, unlawfully, traitorously, and in pursuance of said conspiracy, strike, stab, cut, and attempt to kill and murder the said William H. Seward, and did thereby then and there, and with the intent aforesaid, with said knife, inflict upon the face and throat of the said William H. Seward divers grievous wounds; and the said Lewis Payne, in further prosecution of said conspiracy, at the same time and place last aforesaid, did attempt, with the knife aforesaid and a pistol held in his hand, to kill and murder Frederick W. Seward, Augustus H. Seward, Emrick W.

Hansell, and George F. Robinson, who were then striving to protect and rescue the said William H. Seward from murder by the said Lewis Payne, and did then and there, with said knife and pistol held in his hands, inflict upon the head of said Frederick W. Seward and upon the persons of said Augustus H. Seward, Emrick W. Hansell, and George F. Robinson divers grievous and dangerous wounds, with intent then and there to kill and murder the said Frederick W. Seward, Augustus H. Seward, Emrick W. Hansell, and George F. Robinson.

And in further prosecution of said conspiracy and its traitorous and murderous designs, the said George A. Atzerodt did, on the night of the 14th of April, A. D. 1865, and about the same hour of the night aforesaid, within the military department and the military lines aforesaid, lie in wait for Andrew Johnson, then Vice-President of the United States aforesaid, with the intent unlawfully and maliciously to kill and murder him, the said Andrew Johnson.

And in the further prosecution of the conspiracy aforesaid and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and 14th of April, A. D. 1865, at Washington City, and within the military department and military lines aforesaid, the said Michael O'Laughlin did then and there lie in wait for Ulysses S. Grant, then Lieutenant-General and commander of the armies of the United States as aforesaid, with intent then and there to kill and murder the said Ulysses S. Grant.

And in further prosecution of said conspiracy, the said Samuel Arnold did, within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 15th day of April, A. D. 1865, combine, conspire with, and aid, counsel, abet, comfort, and support the said John Wilkes Booth, Lewis Payne, George A. Atzerodt, Michael O'Laughlin, and their confederates in said unlawful, murderous, and traitorous conspiracy and in the execution thereof, as aforesaid.

And in further prosecution of the said conspiracy, Mary E. Surratt did, at Washington City, and within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 20th day of April, A. D. 1865, receive, entertain, harbor and conceal, aid and assist, the said John Wilkes Booth, David E. Herold, Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof and in escaping from justice after the murder of the said Abraham Lincoln, as aforesaid.

And in further prosecution of said conspiracy, the said Samuel A. Mudd did, at Washington City, and within the military department and military lines aforesaid, on or before the 6th day of March, A. D. 1865, and on divers other days and times between that day and the 20th day of April, A. D. 1865, advise, encourage, receive, entertain, harbor and conceal, aid and assist, the said John Wilkes Booth, David E. Herold, Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold, and their confederates, with knowledge of the murderous and traitorous conspiracy aforesaid, and with intent to aid, abet, and assist them in the execution thereof and in escaping from justice after the murder of the said Abraham Lincoln, in pursuance of said conspiracy, in manner aforesaid.

To which charge and specification the accused, David E. Herold, G. A. Atzerodt, Lewis Payne, Mary E. Surratt, Michael O'Laughlin, Edward Spangler, Samuel Arnold, and Samuel A. Mudd, pleaded "not guilty."

FINDINGS AND SENTENCES.

1. In the case of David E. Herold, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; as to which part thereof, not guilty."

Of the charge, "Guilty, except the words of the charge that he combined, confederated, and conspired with Edward Spangler; as to which part of said charge, not guilty."

And the commission does therefore sentence him, the said David E. Herold, "To be hanged by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

2. In the case of George A. Atzerodt, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said George A. Atzerodt, "To be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

3. In the case of Lewis Payne, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Lewis Payne, "To be hung by the neck until he be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

4. In the case of Mary E. Surratt, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except as to receiving, entertaining, harboring, and concealing Samuel Arnold and Michael O'Laughlin, and except as to combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except as to combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence her, the said Mary E. Surratt, "To be hung by the neck until she be dead, at such time and place as the President of the United States shall direct; two-thirds of the members of the commission concurring therein."

5. In the case of Michael O'Laughlin, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except the words thereof as follows: 'And in the further prosecution of the conspiracy aforesaid and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and 14th of April, A. D. 1865, at Washington City, and within the military department and military lines aforesaid, the said Michael O'Laughlin did then and there lie in wait for Ulysses S. Grant, then Lieutenant-General and commander of the armies of the United States, with intent then and there to kill and murder the said Ulysses S. Grant;' of said words, not guilty; and except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Michael O'Laughlin, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

6. In the case of Edward Spangler, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Not guilty, except as to the words, 'The said Edward Spangler, on said 14th day of April, A. D. 1865, at about the same hour of that day as aforesaid, within said military department and the military lines aforesaid, did aid and abet him (meaning John Wilkes Booth) in making his escape after the said Abraham Lincoln had been murdered in manner aforesaid;' and of these words, guilty."

Of the charge, "Not guilty, but guilty of having feloniously and traitorously aided and abetted John Wilkes Booth in making his escape after having killed and murdered Abraham Lincoln, President of the United States, he the said Edward Spangler, at the time of aiding and abetting as aforesaid, well knowing that the said Abraham Lincoln, President as aforesaid, had been murdered by the said John Wilkes Booth, as aforesaid."

And the commission does therefore sentence him, the said Edward Spangler, "To be confined at hard labor for the period of six years at such penitentiary as the President of the United States shall designate."

7. In the case of Samuel Arnold, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Samuel Arnold, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

8. In the case of Samuel A. Mudd, the commission, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty; and except receiving, entertaining, harboring, and concealing Lewis Payne, John H. Surratt, Michael O'Laughlin, George A. Atzerodt, Mary E. Surratt, and Samuel Arnold; of this, not guilty."

Of the charge, "Guilty, except combining, confederating, and conspiring with Edward Spangler; of this, not guilty."

And the commission does therefore sentence him, the said Samuel A. Mudd, "To be imprisoned at hard labor for life at such penitentiary as the President of the United States shall designate."

II. The proceedings, findings, and sentences in the foregoing cases having been submitted to the President of the United States, the following are his orders:

EXECUTIVE MANSION, *July 5, 1865.*

The foregoing sentences in the cases of David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, and Samuel A. Mudd are hereby approved, and it is ordered that the sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Surratt be carried into execution by the proper military authority, under the direction of the Secretary of War, on the 7th day of July, 1865, between the hours of 10 o'clock a. m. and 2 o'clock p. m. of that day. It is further ordered that the prisoners Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael

O'Laughlin be confined at hard labor in the penitentiary at Albany, N. Y., during the period designated in their respective sentences.

ANDREW JOHNSON, *President.*

III. Major-General W. S. Hancock, United States Volunteers, commanding Middle Military Division, is commanded to cause the foregoing sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Surratt to be duly executed in accordance with the President's order.

EXECUTIVE MANSION, *July 15, 1865.*

IV. The Executive order dated July 5, 1865, approving the sentences in the cases of Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael O'Laughlin, is hereby modified so as to direct that the said Arnold, Mudd, Spangler, and O'Laughlin be confined at hard labor in the military prison at Dry Tortugas, Florida, during the period designated in their respective sentences.

The Adjutant-General of the Army is directed to issue orders for the said prisoners to be transported to the Dry Tortugas, and to be confined there accordingly.

ANDREW JOHNSON, *President.*

V. Major-General W. S. Hancock, United States Volunteers, commanding Middle Military Division, is commanded to send the prisoners Samuel Arnold, Samuel A. Mudd, Edward Spangler, and Michael O'Laughlin, under charge of a commissioned officer, with a sufficient guard, to the Dry Tortugas, Florida, where they will be delivered to the commanding officer of the post, who is hereby ordered to confine the said Arnold, Mudd, Spangler, and O'Laughlin at hard labor during the periods designated in their respective sentences.

VI. The military commission of which Major-General David Hunter is president is hereby dissolved.

By command of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

WASHINGTON, *August 7, 1865.*

An impression seems to prevail that the interests of persons having business with the executive government require that they should have personal interviews with the President or heads of Departments. As this impression is believed to be entirely unfounded, it is expected that applications relating to such business will hereafter be made in writing to the head of that Department to which the business may have been assigned by law. Those applications will in their order be considered and disposed of by heads of Departments, subject to the approval of the President. This order is made necessary by the unusual numbers of

persons visiting the seat of Government. It is impracticable to grant personal interviews to all of them, and desirable that there should be no invidious distinction in this respect. Similar business of persons who can not conveniently leave their homes must be neglected if the time of the executive officers here is engrossed by personal interviews with others.

ANDREW JOHNSON.

[From the Daily National Intelligencer, August 26, 1865.]

DEPARTMENT OF STATE,
Washington, August 25, 1865.

Paroled prisoners asking passports as citizens of the United States, and against whom no special charges may be pending, will be furnished with passports upon application therefor to the Department of State in the usual form. Such passports will, however, be issued upon the condition that the applicants do not return to the United States without leave of the President. Other persons implicated in the rebellion who may wish to go abroad will apply to the Department of State for passports, and the applications will be disposed of according to the merits of the several cases.

By the President of the United States:

WILLIAM H. SEWARD.

EXECUTIVE OFFICE, *September 7, 1865.*

It is hereby ordered, That so much of the Executive order bearing date the 7th [2d] day of June, 1865, as made it the duty of all officers of the Treasury Department, military officers, and all others in the service of the United States to turn over to the authorized officers of the Bureau of Refugees, Freedmen, and Abandoned Lands all funds collected by tax or otherwise for the benefit of refugees or freedmen, or accruing from abandoned lands or property set apart for their use, be, and the same is hereby, suspended.

ANDREW JOHNSON,
President.

GENERAL ORDERS, No. 138.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 16, 1865.

To provide for the transportation required by the Bureau of Refugees, Freedmen, and Abandoned Lands—

It is ordered, That upon the requisition of the Commissioner or the assistant commissioners of the Bureau transportation be furnished such destitute refugees and freedmen as are dependent upon the Government for support to points where they can procure employment and subsistence

and support themselves, and thus relieve the Government, provided such transportation be confined by assistant commissioners within the limits of their jurisdiction.

Second. Free transportation on Government transports and United States military railroads will be furnished to such teachers only of refugees and freedmen, and persons laboring voluntarily in behalf of refugees and freedmen, as may be duly accredited by the Commissioner or assistant commissioners of the Bureau.

All stores and schoolbooks necessary to the subsistence, comfort, and instruction of dependent refugees and freedmen may be transported at Government expense, when such stores and books shall be turned over to the officers of the Quartermaster's Department, with the approval of the assistant commissioners, Commissioner, or department commander, the same to be transported as public stores, consigned to the quartermaster of the post to which they are destined, who, after inspection, will turn them over to the assistant commissioners or Bureau agent for whom they are intended for distribution.

All army officers traveling on public duty, under the orders of the commissioners, within the limits of their respective jurisdictions, will be entitled to mileage or actual cost of transportation, according to the revised Army Regulations, when transportation has not been furnished them by the Quartermaster's Department.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General.*

SPECIAL ORDERS, No. 503.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 19, 1865.

* * * * * * *

It has been represented to the Department that commanders of military posts and districts in Georgia, and particularly Brevet Brigadier-General C. H. Grosvenor, provost-marshal-general, and Brevet Major-General King, commanding in the district of Augusta, have assumed to decide questions of contracts and conflicting claims of property between individuals, and to order the delivery, surrender, or transfer of property and documents of title as between private persons, in which the Government is not concerned.

All such acts and proceedings on the part of military authorities in said State are declared by the President to be without authority and null and void.

All military commanders and authorities within said State are strictly ordered to abstain from any such acts, and not in any way to interfere

with or assume to adjudicate any right, title, or claim of property between private individuals, and to suspend all action upon any orders heretofore made in respect to the ownership or delivery of property and the validity of contracts between private persons.

They are also forbidden from being directly or indirectly interested in any sales or contracts for cotton or other products of said State, and from using or suffering to be used any Government transportation for the transporting of cotton or other products of said State for or in behalf of private persons on any pretense whatever.

Military officers have no authority to interfere in any way in questions of sale or contracts of any kind between individuals or to decide any question of property between them without special instructions from this Department authorizing their action, and the usurpation of such power will be treated as a grave military offense.

Major-General Steedman, commanding the Department of Georgia, is specially charged with the enforcement of this order, and directed to make report as to any acts, proceedings, or orders of Brevet Major-General King and Brevet Brigadier-General Grosvenor, provost-marshal-general, in regard to contracts or conflicting claims of individuals in relation to cotton or other products, and to suspend all action upon any such orders until further instructions.

By order of the President of the United States.

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 145.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 9, 1865.

Whereas certain tracts of land, situated on the coast of South Carolina, Georgia, and Florida, at the time for the most part vacant, were set apart by Major-General W. T. Sherman's special field order No. 15 for the benefit of refugees and freedmen that had been congregated by the operations of war or had been left to take care of themselves by their former owners; and

Whereas an expectation was thereby created that they would be able to retain possession of said lands; and

Whereas a large number of the former owners are earnestly soliciting the restoration of the same and promising to absorb the labor and care for the freedmen:

It is ordered, That Major-General Howard, Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, proceed to the several above-named States and endeavor to effect an arrangement mutually satisfactory to the freedmen and the landowners, and make report. And

in case a mutually satisfactory arrangement can be effected, he is duly empowered and directed to issue such orders as may become necessary, after a full and careful investigation of the interests of the parties concerned.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE OFFICE, *October 11, 1865.*

Whereas the following-named persons, to wit, John A. Campbell, of Alabama; John H. Reagan, of Texas; Alexander H. Stephens, of Georgia; George A. Trenholm, of South Carolina, and Charles Clark, of Mississippi, lately engaged in rebellion against the United States Government, who are now in close custody, have made their submission to the authority of the United States and applied to the President for pardon under his proclamation; and

Whereas the authority of the Federal Government is sufficiently restored in the aforesaid States to admit of the enlargement of said persons from close custody:

It is ordered, That they be released on giving their respective paroles to appear at such time and place as the President may designate to answer any charge that he may direct to be preferred against them, and also that they will respectively abide until further orders in the places herein designated, and not depart therefrom, to wit:

John A. Campbell, in the State of Alabama; John H. Reagan, in the State of Texas; Alexander H. Stephens, in the State of Georgia; George A. Trenholm, in the State of South Carolina; and Charles Clark, in the State of Mississippi. And if the President should grant his pardon to any of said persons, such person's parole will be thereby discharged.

ANDREW JOHNSON,
President.

EXECUTIVE OFFICE,
Washington City, November 11, 1865.

Ordered, That the civil and military agents of the Government transfer to the assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for Alabama the use and custody of all real estate, buildings, or other property, except cotton, seized or held by them in that State as belonging to the late rebel government, together with all such funds as may arise or have arisen from the rent, sale, or disposition of such property which have not been finally paid into the Treasury of the United States.

ANDREW JOHNSON,
President.

GENERAL ORDERS, No. 164.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 24, 1865.

Ordered, That—

I. All persons claiming reward for the apprehension of John Wilkes Booth, Lewis Payne, G. A. Atzerodt, and David E. Herold, and Jefferson Davis, or either of them, are notified to file their claims and their proofs with the Adjutant-General for final adjudication by the special commission appointed to award and determine upon the validity of such claims before the 1st day of January next, after which time no claims will be received.

II. The rewards offered for the arrest of Jacob Thompson, Beverley Tucker, George N. Sanders, William G. Cleary, and John H. Surratt are revoked.

By order of the President of the United States:

E. D. TOWNSEND,
Assistant Adjutant-General.

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 4, 1865.*

Fellow-Citizens of the Senate and House of Representatives:

To express gratitude to God in the name of the people for the preservation of the United States is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh. It finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union, and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of Government and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid. It is to state with frankness the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will in a great measure depend on your and their undivided approbation.

The Union of the United States of America was intended by its authors

to last as long as the States themselves shall last. "The Union shall be perpetual" are the words of the Confederation. "To form a more perfect Union," by an ordinance of the people of the United States, is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is beyond comparison the greatest event in American history, and, indeed, is it not of all events in modern times the most pregnant with consequences for every people of the earth? The members of the Convention which prepared it brought to their work the experience of the Confederation, of their several States, and of other republican governments, old and new; but they needed and they obtained a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support? The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and insure domestic tranquillity. In case of the usurpation of the government of a State by one man or an oligarchy, it becomes a duty of the United States to make good the guaranty to that State of a republican form of government, and so to maintain the homogeneousness of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate—by Jefferson and Jackson not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States was that the free Constitution, which was the work of their hands, might be sacredly maintained; and the inaugural words of President Jefferson held up "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad." The Constitution is the work of "the people of the United States," and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the General Government. The subjects that come unquestionably within its juris-

diction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise the Executive would sink beneath the burden, the channels of justice would be choked, legislation would be obstructed by excess, so that there is a greater temptation to exercise some of the functions of the General Government through the States than to trespass on their rightful sphere. The "absolute acquiescence in the decisions of the majority" was at the beginning of the century enforced by Jefferson as "the vital principle of republics;" and the events of the last four years have established, we will hope forever, that there lies no appeal to force.

The maintenance of the Union brings with it "the support of the State governments in all their rights," but it is not one of the rights of any State government to renounce its own place in the Union or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the Federal Government, but there is no appeal from its laws except to the various branches of that Government itself, or to the people, who grant to the members of the legislative and of the executive departments no tenure but a limited one, and in that manner always retain the powers of redress.

"The sovereignty of the States" is the language of the Confederacy, and not the language of the Constitution. The latter contains the emphatic words—

> This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Certainly the Government of the United States is a limited government, and so is every State government a limited government. With us this idea of limitation spreads through every form of administration—general, State, and municipal—and rests on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the state—prescribed his religion and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness, to freedom of conscience, to the culture and exercise of all his faculties. As a consequence the State government is limited—as to the General Government in the interest of union, as to the individual citizen in the interest of freedom.

States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among the powers of the earth, the Declaration of Independence was adopted by States; so also were the Articles of Confederation; and when "the people of the United States" ordained and established the Constitution it was the assent of the States, one by

one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States one great branch of the legislative government would be wanting. And if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connection is indissoluble. The whole can not exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures, the States will endure. The destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my Administration. It has been my steadfast object to escape from the sway of momentary passions and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals, and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the Army, was the first question that presented itself for decision.

Now military governments, established for an indefinite period, would have offered no security for the early suppression of discontent, would have divided the people into the vanquishers and the vanquished, and would have envenomed hatred rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed in the train of the Army would have been dependents on the General Government or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast and populous and naturally wealthy

region are greater than, unless under extreme necessity, I should be willing to intrust to any one man. They are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had by the act of those inhabitants ceased to exist. But the true theory is that all pretended acts of secession were from the beginning null and void. The States can not commit treason nor screen the individual citizens who may have committed treason any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices there is the more need that the General Government should maintain all its authority and as soon as practicable resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end provisional governors have been appointed for the States, conventions called, governors elected, legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed and the custom-houses reestablished in ports of entry, so that the revenue of the United States may be collected. The Post-Office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post-office renews the facilities of social intercourse and of business. And is it not happy for us all that the restoration of each one of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that after all that has happened the return of the General Government is known only as a beneficence?

I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken. In the choice of difficulties

it is the smallest risk; and to diminish and if possible to remove all danger, I have felt it incumbent on me to assert one other power of the General Government—the power of pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the executive government of the United States. In exercising that power I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion, and that on the other the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

The amendment to the Constitution being adopted, it would remain for the States whose powers have been so long in abeyance to resume their places in the two branches of the National Legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members.

The full assertion of the powers of the General Government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our

public affairs strong objections have been urged to holding those courts in any of the States where the rebellion has existed; and it was ascertained by inquiry that the circuit court of the United States would not be held within the district of Virginia during the autumn or early winter, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily referred, with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated, the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense made infamous, and, at the same time, that the question may be judicially settled, finally and forever, that no State of its own will has the right to renounce its place in the Union.

The relations of the General Government toward the 4,000,000 inhabitants whom the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive I took for my counsel the Constitution itself, the interpretations of that instrument by its authors and their contemporaries, and recent legislation by Congress. When, at the first movement toward independence, the Congress of the United States instructed the several States to institute governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the Confederacy there continued to exist a very great diversity in the qualifications of electors in the several States, and even within a State a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States recognizes these diversities when it enjoins that in the choice of members of the House of Representatives of the United States "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." After the formation of the Constitution it remained, as before, the uniform usage for each State to enlarge the body of its electors according to its own judgment, and under this system one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this reservation of power in the habits of the people and so unquestioned has been the interpretation of the Constitution that during the civil war the late President never harbored the purpose—certainly never avowed the purpose—of disregarding it; and in the acts of Congress during that period nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure

by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen by act of the President of the United States must have been extended to all colored men, wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, not less than in the Southern and Southwestern. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely or introduced gradually and with conditions. In my judgment the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the States than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

But while I have no doubt that now, after the close of the war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor. I can not too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honorable and useful industry, where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The change in their condition is the substitution of labor by contract for the status of slavery. The freedman can not fairly be accused of unwillingness to work so long as a doubt remains about his freedom of choice in his pursuits and the certainty of his recovering his stipulated wages. In this the interests of the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so

ought the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished there is no chance for the advantageous use of their labor, and the blame of ill success will not rest on them.

I know that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform. It is one of the greatest acts on record to have brought 4,000,000 people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of the freedmen we need not be too anxious to read the future; many incidents which, from a speculative point of view, might raise alarm will quietly settle themselves. Now that slavery is at an end, or near its end, the greatness of its evil in the point of view of public economy becomes more and more apparent. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry. Where labor was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly free labor will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found as yet in any part of our country. And the future influx of population to them will be mainly from the North or from the most cultivated nations in Europe. From the sufferings that have attended them during our late struggle let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known. The removal of the monopoly of slave labor is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry.

Our Government springs from and was made for the people—not the people for the Government. To them it owes allegiance; from them it must derive its courage, strength, and wisdom. But while the Government is thus bound to defer to the people, from whom it derives its existence, it should, from the very consideration of its origin, be strong in its power of resistance to the establishment of inequalities. Monopolies, perpetuities, and class legislation are contrary to the genius of free government, and ought not to be allowed. Here there is no room for favored classes or monopolies; the principle of our Government is that of equal laws and freedom of industry. Wherever monopoly attains a foothold, it

is sure to be a source of danger, discord, and trouble. We shall but fulfill our duties as legislators by according "equal and exact justice to all men," special privileges to none. The Government is subordinate to the people; but, as the agent and representative of the people, it must be held superior to monopolies, which in themselves ought never to be granted, and which, where they exist, must be subordinate and yield to the Government.

The Constitution confers on Congress the right to regulate commerce among the several States. It is of the first necessity, for the maintenance of the Union, that that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce between States. The position of many States is such that if they were allowed to take advantage of it for purposes of local revenue the commerce between States might be injuriously burdened, or even virtually prohibited. It is best, while the country is still young and while the tendency to dangerous monopolies of this kind is still feeble, to use the power of Congress so as to prevent any selfish impediment to the free circulation of men and merchandise. A tax on travel and merchandise in their transit constitutes one of the worst forms of monopoly, and the evil is increased if coupled with a denial of the choice of route. When the vast extent of our country is considered, it is plain that every obstacle to the free circulation of commerce between the States ought to be sternly guarded against by appropriate legislation within the limits of the Constitution.

The report of the Secretary of the Interior explains the condition of the public lands, the transactions of the Patent Office and the Pension Bureau, the management of our Indian affairs, the progress made in the construction of the Pacific Railroad, and furnishes information in reference to matters of local interest in the District of Columbia. It also presents evidence of the successful operation of the homestead act, under the provisions of which 1,160,533 acres of the public lands were entered during the last fiscal year—more than one-fourth of the whole number of acres sold or otherwise disposed of during that period. It is estimated that the receipts derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this act, and that payments in cash to the extent of from 40 to 50 per cent will be made by settlers who may thus at any time acquire title before the expiration of the period at which it would otherwise vest. The homestead policy was established only after long and earnest resistance; experience proves its wisdom. The lands in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

The lamentable events of the last four years and the sacrifices made by the gallant men of our Army and Navy have swelled the records of the Pension Bureau to an unprecedented extent. On the 30th day of June

last the total number of pensioners was 85,986, requiring for their annual pay, exclusive of expenses, the sum of $8,023,445. The number of applications that have been allowed since that date will require a large increase of this amount for the next fiscal year. The means for the payment of the stipends due under existing laws to our disabled soldiers and sailors and to the families of such as have perished in the service of the country will no doubt be cheerfully and promptly granted. A grateful people will not hesitate to sanction any measures having for their object the relief of soldiers mutilated and families made fatherless in the efforts to preserve our national existence.

The report of the Postmaster-General presents an encouraging exhibit of the operations of the Post-Office Department during the year. The revenues of the past year, from the loyal States alone, exceeded the maximum annual receipts from all the States previous to the rebellion in the sum of $6,038,091; and the annual average increase of revenue during the last four years, compared with the revenues of the four years immediately preceding the rebellion, was $3,533,845. The revenues of the last fiscal year amounted to $14,556,158 and the expenditures to $13,694,728, leaving a surplus of receipts over expenditures of $861,430. Progress has been made in restoring the postal service in the Southern States. The views presented by the Postmaster-General against the policy of granting subsidies to the ocean mail steamship lines upon established routes and in favor of continuing the present system, which limits the compensation for ocean service to the postage earnings, are recommended to the careful consideration of Congress.

It appears from the report of the Secretary of the Navy that while at the commencement of the present year there were in commission 530 vessels of all classes and descriptions, armed with 3,000 guns and manned by 51,000 men, the number of vessels at present in commission is 117, with 830 guns and 12,128 men. By this prompt reduction of the naval forces the expenses of the Government have been largely diminished, and a number of vessels purchased for naval purposes from the merchant marine have been returned to the peaceful pursuits of commerce. Since the suppression of active hostilities our foreign squadrons have been reestablished, and consist of vessels much more efficient than those employed on similar service previous to the rebellion. The suggestion for the enlargement of the navy-yards, and especially for the establishment of one in fresh water for ironclad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

In the report of the Secretary of War a general summary is given of the military campaigns of 1864 and 1865, ending in the suppression of armed resistance to the national authority in the insurgent States. The operations of the general administrative bureaus of the War Department during the past year are detailed and an estimate made of the

appropriations that will be required for military purposes in the fiscal year commencing the 1st day of July, 1866. The national military force on the 1st of May, 1865, numbered 1,000,516 men. It is proposed to reduce the military establishment to a peace footing, comprehending 50,000 troops of all arms, organized so as to admit of an enlargement by filling up the ranks to 82,600 if the circumstances of the country should require an augmentation of the Army. The volunteer force has already been reduced by the discharge from service of over 800,000 troops, and the Department is proceeding rapidly in the work of further reduction. The war estimates are reduced from $516,240,131 to $33,814,461, which amount, in the opinion of the Department, is adequate for a peace establishment. The measures of retrenchment in each bureau and branch of the service exhibit a diligent economy worthy of commendation. Reference is also made in the report to the necessity of providing for a uniform militia system and to the propriety of making suitable provision for wounded and disabled officers and soldiers.

The revenue system of the country is a subject of vital interest to its honor and prosperity, and should command the earnest consideration of Congress. The Secretary of the Treasury will lay before you a full and detailed report of the receipts and disbursements of the last fiscal year, of the first quarter of the present fiscal year, of the probable receipts and expenditures for the other three quarters, and the estimates for the year following the 30th of June, 1866. I might content myself with a reference to that report, in which you will find all the information required for your deliberations and decision, but the paramount importance of the subject so presses itself on my own mind that I can not but lay before you my views of the measures which are required for the good character, and I might almost say for the existence, of this people. The life of a republic lies certainly in the energy, virtue, and intelligence of its citizens; but it is equally true that a good revenue system is the life of an organized government. I meet you at a time when the nation has voluntarily burdened itself with a debt unprecedented in our annals. Vast as is its amount, it fades away into nothing when compared with the countless blessings that will be conferred upon our country and upon man by the preservation of the nation's life. Now, on the first occasion of the meeting of Congress since the return of peace, it is of the utmost importance to inaugurate a just policy, which shall at once be put in motion, and which shall commend itself to those who come after us for its continuance. We must aim at nothing less than the complete effacement of the financial evils that necessarily followed a state of civil war. We must endeavor to apply the earliest remedy to the deranged state of the currency, and not shrink from devising a policy which, without being oppressive to the people, shall immediately begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definitely fixed number of years.

THE GREAT EASTERN

THE *GREAT EASTERN*

This monstrosity was launched in 1858, profited nobody, and was broken up and sold as old metal in 1888. She was too far in advance of time. Designed to make the long voyage to Australia without coaling, and carrying an unprecedented cargo and passenger-list, the *Great Eastern* held the palm for size until the advent of the *Oceanic* in 1890. She compares with the *Mauretania* as follows: the latter's displacement is 40,000 tons, the *Great Eastern's,* 32,000; the *Mauretania* is 790 feet long, the *Great Eastern,* 680 feet; the *Great Eastern's* horse-power was 11,600, while the *Mauretania's* horse-power is 70,000. The old giantess was driven by paddles and a screw at the rate of 14 knots an hour.

Her arrival on this side was celebrated as an event of the first magnitude.

The reader will please note that she flies the English flag. It is probably false pride that makes an American long to see Old Glory on the seas. Probably we should be content to see our flag displayed in our harbors as a courtesy by visiting ships, but the decay of the splendid merchant marine that used to fly the old gridiron flag is due to Congressional neglect and is one of the disgraceful failures of the Republic, and our lack of shipping is probably our greatest military weakness. See "Merchant Marine" and "Subsidy" in the encyclopedic index, volume eleven.

It is our first duty to prepare in earnest for our recovery from the ever-increasing evils of an irredeemable currency without a sudden revulsion, and yet without untimely procrastination. For that end we must each, in our respective positions, prepare the way. I hold it the duty of the Executive to insist upon frugality in the expenditures, and a sparing economy is itself a great national resource. Of the banks to which authority has been given to issue notes secured by bonds of the United States we may require the greatest moderation and prudence, and the law must be rigidly enforced when its limits are exceeded. We may each one of us counsel our active and enterprising countrymen to be constantly on their guard, to liquidate debts contracted in a paper currency, and by conducting business as nearly as possible on a system of cash payments or short credits to hold themselves prepared to return to the standard of gold and silver. To aid our fellow-citizens in the prudent management of their monetary affairs, the duty devolves on us to diminish by law the amount of paper money now in circulation. Five years ago the bank-note circulation of the country amounted to not much more than two hundred millions; now the circulation, bank and national, exceeds seven hundred millions. The simple statement of the fact recommends more strongly than any words of mine could do the necessity of our restraining this expansion. The gradual reduction of the currency is the only measure that can save the business of the country from disastrous calamities, and this can be almost imperceptibly accomplished by gradually funding the national circulation in securities that may be made redeemable at the pleasure of the Government.

Our debt is doubly secure—first in the actual wealth and still greater undeveloped resources of the country, and next in the character of our institutions. The most intelligent observers among political economists have not failed to remark that the public debt of a country is safe in proportion as its people are free; that the debt of a republic is the safest of all. Our history confirms and establishes the theory, and is, I firmly believe, destined to give it a still more signal illustration. The secret of this superiority springs not merely from the fact that in a republic the national obligations are distributed more widely through countless numbers in all classes of society; it has its root in the character of our laws. Here all men contribute to the public welfare and bear their fair share of the public burdens. During the war, under the impulses of patriotism, the men of the great body of the people, without regard to their own comparative want of wealth, thronged to our armies and filled our fleets of war, and held themselves ready to offer their lives for the public good. Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation, while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the nation, the duties should be so adjusted as to fall most heavily on articles of luxury

leaving the necessaries of life as free from taxation as the absolute wants of the Government economically administered will justify. No favored class should demand freedom from assessment, and the taxes should be so distributed as not to fall unduly on the poor, but rather on the accumulated wealth of the country. We should look at the national debt just as it is—not as a national blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay.

It is estimated by the Secretary of the Treasury that the expenditures for the fiscal year ending the 30th of June, 1866, will exceed the receipts $112,194,947. It is gratifying, however, to state that it is also estimated that the revenue for the year ending the 30th of June, 1867, will exceed the expenditures in the sum of $111,682,818. This amount, or so much as may be deemed sufficient for the purpose, may be applied to the reduction of the public debt, which on the 31st day of October, 1865, was $2,740,854,750. Every reduction will diminish the total amount of interest to be paid, and so enlarge the means of still further reductions, until the whole shall be liquidated; and this, as will be seen from the estimates of the Secretary of the Treasury, may be accomplished by annual payments even within a period not exceeding thirty years. I have faith that we shall do all this within a reasonable time; that as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

The Department of Agriculture under its present direction is accomplishing much in developing and utilizing the vast agricultural capabilities of the country, and for information respecting the details of its management reference is made to the annual report of the Commissioner.

I have dwelt thus fully on our domestic affairs because of their transcendent importance. Under any circumstances our great extent of territory and variety of climate, producing almost everything that is necessary for the wants and even the comforts of man, make us singularly independent of the varying policy of foreign powers and protect us against every temptation to "entangling alliances," while at the present moment the reestablishment of harmony and the strength that comes from harmony will be our best security against "nations who feel power and forget right." For myself, it has been and it will be my constant aim to promote peace and amity with all foreign nations and powers, and I have every reason to believe that they all, without exception, are animated by the same disposition. Our relations with the Emperor of China, so recent in their origin, are most friendly. Our commerce with his dominions is receiving new developments, and it is very pleasing to find that the Government of that great Empire manifests satisfaction with our policy and reposes just confidence in the fairness which marks our intercourse. The unbroken harmony between the United States and

the Emperor of Russia is receiving a new support from an enterprise designed to carry telegraphic lines across the continent of Asia, through his dominions, and so to connect us with all Europe by a new channel of intercourse. Our commerce with South America is about to receive encouragement by a direct line of mail steamships to the rising Empire of Brazil. The distinguished party of men of science who have recently left our country to make a scientific exploration of the natural history and rivers and mountain ranges of that region have received from the Emperor that generous welcome which was to have been expected from his constant friendship for the United States and his well-known zeal in promoting the advancement of knowledge. A hope is entertained that our commerce with the rich and populous countries that border the Mediterranean Sea may be largely increased. Nothing will be wanting on the part of this Government to extend the protection of our flag over the enterprise of our fellow-citizens. We receive from the powers in that region assurances of good will; and it is worthy of note that a special envoy has brought us messages of condolence on the death of our late Chief Magistrate from the Bey of Tunis, whose rule includes the old dominions of Carthage, on the African coast.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the powers which made that concession there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain, and British ships, manned by British subjects and prepared for receiving British armaments, sallied from the ports of Great Britain to make war on American commerce under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterwards entered them in every part of the world to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of our shipping and our commerce to the very power whose subjects had created the necessity for such a change. These events took place before I was called to the administration of the Government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the question which had thus arisen between the countries to arbitration. These questions are of such moment that they must have commanded the attention of the great powers, and are so interwoven with the peace and interests of every one of them as to have insured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the

formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations before mentioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a power which was professing the most friendly dispositions, but as involving questions of public law of which the settlement is essential to the peace of nations; and though pecuniary reparation to their injured citizens would have followed incidentally on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British minister rests his justification is, substantially, that the municipal law of a nation and the domestic interpretations of that law are the measure of its duty as a neutral, and I feel bound to declare my opinion before you and before the world that that justification can not be sustained before the tribunal of nations. At the same time, I do not advise to any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

From the moment of the establishment of our free Constitution the civilized world has been convulsed by revolutions in the interests of democracy or of monarchy, but through all those revolutions the United States have wisely and firmly refused to become propagandists of republicanism. It is the only government suited to our condition; but we have never sought to impose it on others, and we have consistently followed the advice of Washington to recommend it only by the careful preservation and prudent use of the blessing. During all the intervening period the policy of European powers and of the United States has, on the whole, been harmonious. Twice, indeed, rumors of the invasion of some parts of America in the interest of monarchy have prevailed; twice my predecessors have had occasion to announce the views of this nation in respect to such interference. On both occasions the remonstrance of the United States was respected from a deep conviction on the part of European Governments that the system of noninterference and mutual abstinence from propagandism was the true rule for the two hemispheres. Since those times we have advanced in wealth and power, but we retain the same purpose to leave the nations of Europe to choose their own dynasties and form their own systems of government. This consistent moderation may justly demand a corresponding moderation. We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world should any European power challenge the American people, as it were, to the defense of republicanism against foreign interference. We can not foresee and are unwilling to consider what opportunities might present themselves, what combinations might offer to protect

ourselves against designs inimical to our form of government. The United States desire to act in the future as they have ever acted heretofore; they never will be driven from that course but by the aggression of European powers, and we rely on the wisdom and justice of those powers to respect the system of noninterference which has so long been sanctioned by time, and which by its good results has approved itself to both continents.

The correspondence between the United States and France in reference to questions which have become subjects of discussion between the two Governments will at a proper time be laid before Congress.

When, on the organization of our Government under the Constitution, the President of the United States delivered his inaugural address to the two Houses of Congress, he said to them, and through them to the country and to mankind, that—

> The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as *deeply*, as *finally*, staked on the experiment intrusted to the hands of the American people.

And the House of Representatives answered Washington by the voice of Madison:

> We adore the Invisible Hand which has led the American people, through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty.

More than seventy-six years have glided away since these words were spoken; the United States have passed through severer trials than were foreseen; and now, at this new epoch in our existence as one nation, with our Union purified by sorrows and strengthened by conflict and established by the virtue of the people, the greatness of the occasion invites us once more to repeat with solemnity the pledges of our fathers to hold ourselves answerable before our fellow-men for the success of the republican form of government. Experience has proved its sufficiency in peace and in war; it has vindicated its authority through dangers and afflictions, and sudden and terrible emergencies, which would have crushed any system that had been less firmly fixed in the hearts of the people. At the inauguration of Washington the foreign relations of the country were few and its trade was repressed by hostile regulations; now all the civilized nations of the globe welcome our commerce, and their governments profess toward us amity. Then our country felt its way hesitatingly along an untried path, with States so little bound together by rapid means of communication as to be hardly known to one another, and with historic traditions extending over very few years; now intercourse between the States is swift and intimate; the experience of centuries has been crowded into a few generations, and has created an intense, indestructible nationality. Then our jurisdiction did not reach beyond the inconvenient boundaries of the territory which had achieved independence; now, through cessions of lands, first colonized by Spain and France, the country

has acquired a more complex character, and has for its natural limits the chain of lakes, the Gulf of Mexico, and on the east and the west the two great oceans. Other nations were wasted by civil wars for ages before they could establish for themselves the necessary degree of unity; the latent conviction that our form of government is the best ever known to the world has enabled us to emerge from civil war within four years with a complete vindication of the constitutional authority of the General Government and with our local liberties and State institutions unimpaired.

The throngs of emigrants that crowd to our shores are witnesses of the confidence of all peoples in our permanence. Here is the great land of free labor, where industry is blessed with unexampled rewards and the bread of the workingman is sweetened by the consciousness that the cause of the country "is his own cause, his own safety, his own dignity." Here everyone enjoys the free use of his faculties and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteenfold within a century. Here, through the easy development of boundless resources, wealth has increased with twofold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries and, alike in business and in opinion, are self-centered and truly independent. Here more and more care is given to provide education for everyone born on our soil. Here religion, released from political connection with the civil government, refuses to subserve the craft of statesmen, and becomes in its independence the spiritual life of the people. Here toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of government, by the confession of European statesmen, "gives a power of which no other form is capable, because it incorporates every man with the state and arouses everything that belongs to the soul."

Where in past history does a parallel exist to the public happiness which is within the reach of the people of the United States? Where in any part of the globe can institutions be found so suited to their habits or so entitled to their love as their own free Constitution? Every one of them, then, in whatever part of the land he has his home, must wish its perpetuity. Who of them will not now acknowledge, in the words of Washington, that "every step by which the people of the United States have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency"? Who will not join with me in the prayer that the Invisible Hand which has led

us through the clouds that gloomed around our path will so guide us onward to a perfect restoration of fraternal affection that we of this day may be able to transmit our great inheritance of State governments in all their rights, of the General Government in its whole constitutional vigor, to our posterity, and they to theirs through countless generations?

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 11, 1865.*

To the Senate and House of Representatives of the United States:

I transmit a report of this date from the Secretary of State, and the papers referred to therein, concerning the Universal Exposition to be held at Paris in the year 1867, in which the United States have been invited by the Government of France to take part. I commend the subject to your early and favorable consideration.

ANDREW JOHNSON.

WASHINGTON, *December 13, 1865.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 11th instant, requesting information on the subject of a decree of the so-called Emperor of Mexico of the 3d of October last, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *December 14, 1865.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 11th instant, requesting information relative to a so-called decree concerning the reestablishment of slavery or peonage in the Republic of Mexico, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 18, 1865.*

To the Senate and House of Representatives of the United States:

In compliance with the requirements of the third section of the act approved March 3, 1865, I transmit herewith a communication from the Secretary of War, with the accompanying report and estimates of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, *December 18, 1865.*

To the Senate of the United States:

In reply to the resolution adopted by the Senate on the 12th instant, I have the honor to state that the rebellion waged by a portion of the people against the properly constituted authority of the Government of the United States has been suppressed; that the United States are in possession of every State in which the insurrection existed, and that, as far as it could be done, the courts of the United States have been restored, post-offices reestablished, and steps taken to put into effective operation the revenue laws of the country.

As the result of the measures instituted by the Executive with the view of inducing a resumption of the functions of the States comprehended in the inquiry of the Senate, the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee have reorganized their respective State governments, and "are yielding obedience to the laws and Government of the United States" with more willingness and greater promptitude than under the circumstances could reasonably have been anticipated. The proposed amendment to the Constitution, providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of those States, with the exception of Mississippi, from which no official information has been received, and in nearly all of them measures have been adopted or are now pending to confer upon freedmen the privileges which are essential to their comfort, protection, and security. In Florida and Texas the people are making commendable progress in restoring their State governments, and no doubt is entertained that they will at an early period be in a condition to resume all of their practical relations with the General Government.

In "that portion of the Union lately in rebellion" the aspect of affairs is more promising than, in view of all the circumstances, could well have been expected. The people throughout the entire South evince a laudable desire to renew their allegiance to the Government and to repair the devastations of war by a prompt and cheerful return to peaceful pursuits, and abiding faith is entertained that their actions will conform to their professions, and that in acknowledging the supremacy of the Constitution and laws of the United States their loyalty will be unreservedly given to the Government, whose leniency they can not fail to appreciate and whose fostering care will soon restore them to a condition of prosperity. It is true that in some of the States the demoralizing effects of the war are to be seen in occasional disorders; but these are local in character, not frequent in occurrence, and are rapidly disappearing as the authority of civil law is extended and sustained. Perplexing questions are naturally to be expected from the great and sudden change in the relations between the two races; but systems are gradually developing themselves under which the freedman will receive the protection

to which he is justly entitled, and, by means of his labor, make himself a useful and independent member in the community in which he has a home.

From all the information in my possession and from that which I have recently derived from the most reliable authority I am induced to cherish the belief that sectional animosity is surely and rapidly merging itself into a spirit of nationality, and that representation, connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relation of the States to the National Union.

The report of Carl Schurz is herewith transmitted, as requested by the Senate. No reports from the Hon. John Covode have been received by the President. The attention of the Senate is invited to the accompanying report from Lieutenant-General Grant, who recently made a tour of inspection through several of the States whose inhabitants participated in the rebellion.

ANDREW JOHNSON.

WASHINGTON, *December 20, 1865.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 19th instant, requesting that the President, if not inconsistent with the public service, communicate to the Senate the "report of General Howard of his observations of the condition of the seceded States and the operation of the Freedmen's Bureau therein," I have to state that the report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands was yesterday transmitted to both Houses of Congress, as required by the third section of the act approved March 3, 1865.

ANDREW JOHNSON.

WASHINGTON, *December 21, 1865.*

To the Senate:

In compliance with the resolution of the Senate of the 11th instant, respecting the occupation by the French troops of the Republic of Mexico and the establishment of a monarchy there, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 19th ultimo, requesting information in regard to any plans to induce the immigration of dissatisfied citizens of the United States into Mexico, their organization there with the view to create disturbances in the United States, and especially in regard to the plans of Dr. William M. Gwin and M. F. Maury, and to the action taken by the Government of the United States

to prevent the success of such schemes, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

To the Senate of the United States:

I have received the following preamble and resolution, adopted by the Senate on the 21st ultimo:

Whereas the Constitution declares that "in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed;" and

Whereas several months have elapsed since Jefferson Davis, late president of the so-called Confederate States, was captured and confined for acts notoriously done by him as such, which acts, if duly proved, render him guilty of treason against the United States and liable to the penalties thereof; and

Whereas hostilities between the Government of the United States and the insurgents have ceased, and not one of the latter, so far as is known to the Senate, is now held in confinement for the part he may have acted in the rebellion except said Jefferson Davis: Therefore,

Resolved, That the President be respectfully requested, if compatible with the public safety, to inform the Senate upon what charges or for what reasons said Jefferson Davis is still held in confinement, and why he has not been put upon his trial.

In reply to the resolution I transmit the accompanying reports from the Secretary of War and the Attorney-General, and at the same time invite the attention of the Senate to that portion of my message dated the 4th day of December last which refers to Congress the questions connected with the holding of circuit courts of the United States within the districts where their authority has been interrupted.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 18th ultimo, requesting information in regard to steps taken by the so-called Emperor of Mexico or by any European power to obtain from the United States a recognition of the so-called Empire of Mexico, and what action has been taken in the premises by the Government of the United States, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 10, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th instant, asking for information in regard to the alleged kidnaping in

Mexico of the child of an American lady, I transmit a report from the Acting Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 12, 1866.*

To the Senate and House of Representatives:

I transmit herewith a communication addressed to me by Messrs. John Evans and J. B. Chaffee as "United States Senators elect from the State of Colorado," together with the accompanying documents.

Under authority of the act of Congress approved the 21st day of March, 1864, the people of Colorado, through a convention, formed a constitution making provision for a State government, which, when submitted to the qualified voters of the Territory, was rejected.

In the summer of 1865 a second convention was called by the executive committees of the several political parties in the Territory, which assembled at Denver on the 8th of August, 1865. On the 12th of that month this convention adopted a State constitution, which was submitted to the people on the 5th of September, 1865, and ratified by a majority of 155 of the qualified voters. The proceedings in the second instance for the formation of a State government having differed in time and mode from those specified in the act of March 21, 1864, I have declined to issue the proclamation for which provision is made in the fifth section of the law, and therefore submit the question for the consideration and further action of Congress.

ANDREW JOHNSON.

EXECUTIVE OFFICE, *January 20, 1866.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, the several treaties* with the Indians of the Southwest referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

EXECUTIVE OFFICE, *January 20, 1866.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, the several treaties with bands of the Sioux Nation of Indians which are referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

* With the confederated tribes of the Arapahoe and Cheyenne Indians, concluded October 14, 1865; with the Apache, Cheyenne, and Arapahoe tribes, respectively, concluded October 17, 1865; with the several bands of the Comanche tribe, concluded October 18, 1865.

EXECUTIVE MANSION, *January 20, 1866.*

To the Senate of the United States:

I communicate to the Senate herewith, for its constitutional action thereon, the treaties with the Omaha and Winnebago Indians referred to in the accompanying communication from the Secretary of the Interior.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th instant, requesting information in regard to a negotiation for the transit of United States troops in 1861 through Mexican territory, I transmit a report from the Acting Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Empire of Japan for the reduction of import duties, which was signed at Yedo the 28th of January, 1864.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the Empire of Japan and the Governments of the United States, Great Britain, France, and Holland, providing for the payment to said Governments of the sum of $3,000,000 for indemnities and expenses, which was signed by the respective parties at Yokohama on the 22d of October, 1864.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 17th instant, requesting the President "to communicate to the Senate, if in his opinion not inconsistent with the public interest, any letters from Major-General Sheridan, commanding the Military Division of the Gulf, or from any other officer of the Department of Texas, in regard to the present condition of affairs on the southeastern frontier of the United States, and especially in regard to any violation of neutrality on the part of the army now occupying the right bank of the Rio Grande," I transmit herewith a report from the Secretary of War, bearing date the 24th instant.

Concurring in his opinion that the publication of the correspondence at this time is not consistent with the public interest, the papers referred to in the accompanying report are for the present withheld.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 22d instant, requesting the communication of any correspondence or other information in regard to a demonstration by the Congress of the United States of Colombia, or any other country, in honor of President Juarez, of the Republic of Mexico, I transmit herewith a report from the Acting Secretary of State, with the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th instant, asking for information in regard to the reported surrender of the rebel pirate vessel called the *Shenandoah*, I transmit a report from the Acting Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1866.*

To the Senate and House of Representatives:

Believing that the commercial interests of our country would be promoted by a formal recognition of the independence of the Dominican Republic, while such a recognition would be in entire conformity with the settled policy of the United States, I have with that view nominated to the Senate an officer of the same grade with the one now accredited to the Republic of Hayti; and I recommend that an appropriation be made by Congress toward providing for his compensation.

ANDREW JOHNSON.

WASHINGTON, *February 1, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th ultimo, requesting information in regard to the organization in the city of New York of the "Imperial Mexican Express Company" under a grant from the so-called Emperor of Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *February 2, 1866.*

To the Senate of the United States:

The accompanying correspondence is transmitted to the Senate in compliance with its resolution of the 16th ultimo, requesting the President, "if not inconsistent with the public interest, to communicate to the Senate any correspondence which may have taken place between himself and any of the judges of the Supreme Court touching the holding of the civil courts of the United States in the insurrectionary States for the trial of crimes against the United States."

ANDREW JOHNSON.

WASHINGTON, *February 2, 1866.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 30th ultimo, requesting the President, "if not incompatible with the public interests, to communicate to the Senate a copy of the late report of Major-General Sherman upon the condition of the States in his department, in which he has lately made a tour of inspection," I transmit herewith a copy of a communication, dated December 22, 1865, addressed to the Headquarters of the Army by Major-General Sherman, commanding the Military Division of the Mississippi

ANDREW JOHNSON.

WASHINGTON, *February 9, 1866.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 10th ultimo, requesting the President of the United States, "if not incompatible with the public interest, to communicate to the House any report or reports made by the Judge-Advocate-General or any other officer of the Government as to the grounds, facts, or accusations upon which Jefferson Davis, Clement C. Clay, jr., Stephen R. Mallory, and David L. Yulee, or either of them, are held in confinement," I transmit herewith reports from the Secretary of War and the Attorney-General, and concur in the opinion therein expressed that the publication of the papers called for by the resolution is not at the present time compatible with the public interest.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1866.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a correspondence between the Secretary of State and the minister of France accredited to this Government, and also other papers, relative to a proposed international conference at Constantinople upon the subject of cholera.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1866.*

To the House of Representatives:

I transmit the accompanying report from the Secretary of War, in answer to the resolution of the House of Representatives of the 27th ultimo, requesting information in regard to the distribution of the rewards offered by the Government for the arrest of the assassins of the late President Lincoln.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1866.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th ultimo, I transmit herewith a communication from the Secretary of War, together with the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

To the Senate of the United States:

In answer to the resolutions of the Senate of the 5th of January and 27th of February last, requesting information in regard to provisional governors of States, I transmit reports from the Secretary of State and the Secretary of War, to whom the resolutions were referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 6, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its constitutional action thereon, a treaty with the Utah, Yampah-Ute, Pah-Vant, San-Pete-Ute, Tim-p-nogs, and Cum-um-bah bands of the Utah Indians, referred to in the accompanying papers from the Secretary of the Interior.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 12th of January last, requesting information in regard to provisional governments of certain States, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting certain information in relation to President Benito Juarez, of Mexico, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *March 8, 1866.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, a copy of a letter of the 21st ultimo from the governor of the Territory of Colorado to the Secretary of State, with the memorial to which it refers, relative to the location of the Pacific Railroad.

ANDREW JOHNSON.

WASHINGTON, *March 12, 1866.*

To the Senate and House of Representatives:

I transmit, for your consideration, a copy of two communications from the minister of the United States at Paris, in regard to a proposed exhibition of fishery and water culture, to be held at Arcachon, near Bordeaux, in France, in July next.

ANDREW JOHNSON.

WASHINGTON, *March 15, 1866.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th instant, upon the subject of the supposed kidnaping of colored persons in the Southern States for the purpose of selling them as slaves in Cuba, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 19, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives dated January 5, 1866, requesting information as to the number of men and officers in the regular and volunteer service of the United States, I transmit a report from the Secretary of War, with the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 11th of December last, requesting information upon the present condition of affairs in the Republic of Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *March 21, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its constitutional action thereon, a treaty made with the Great and Little Osage Indians on the 29th September, 1865, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 21, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its constitutional action thereon, a treaty made with the Woll-pah-pe tribe of Snake Indians on the 12th of August, 1865, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 26, 1866.*

To the Senate of the United States:

I transmit to the Senate a memorial of the legislature of Alabama, asking an extension of time for the completion of certain railroads in said State.

ANDREW JOHNSON.

WASHINGTON, *March 30, 1866.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty negotiated with the Shawnee Indians, dated March 1, 1866, with supplemental article, dated March 14, 1866, with accompanying communications from the honorable Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, *April 3, 1866.*

To the Senate of the United States:

I transmit herewith a report by the Secretary of War, in compliance with the Senate resolution of the 7th March, 1866, respecting the improvement of the Washington City Canal, to promote the health of the metropolis.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 3, 1866.*

To the House of Representatives:

I transmit a communication from the Secretary of the Treasury, dated the 22d ultimo, together with a letter addressed to him by the governor of Alabama, asking that the State of Alabama may be allowed to assume and pay in State bonds the direct tax now due from that State to the United States, or that delay of payment may be authorized until the State can by the sale of its bonds or by taxation make provision for the liquidation of the indebtedness.

I concur in the opinion of the Secretary of the Treasury "that it is desirable that the State of Alabama and the other Southern States should be allowed to assume and pay their proportion of the direct taxes now due," and therefore recommend the necessary legislation by Congress.

ANDREW JOHNSON.

WASHINGTON, *April 4, 1866.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with the accompanying papers, relative to the claim on this Government of the owners of the British vessel *Magicienne*, and recommend an appropriation for the satisfaction of the claim, pursuant to the award of the arbitrators.

ANDREW JOHNSON.

WASHINGTON, *April 5, 1866.*

To the Senate and House of Representatives:

I herewith transmit communications from the Secretary of the Treasury and the Postmaster-General, suggesting a modification of the oath of office prescribed by the act of Congress approved July 2, 1862. I fully concur in their recommendation, and as the subject pertains to the efficient administration of the revenue and postal laws in the Southern States I earnestly commend it to the early consideration of Congress.

ANDREW JOHNSON.

WASHINGTON, *April 6, 1866.*

To the Senate of the United States:

I transmit, for the constitutional action of the Senate, a supplemental article to the Pottawatomie treaty of November 15, 1861, concluded on the 29th ultimo, together with the accompanying communications from the Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 7, 1866.*

To the House of Representatives of the United States:

I transmit a communication from the Secretary of the Interior, with the accompanying papers, in reference to grants of land made by acts of Congress passed in the years 1850, 1853, and 1856 to the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana, to aid in the construction of certain railroads. As these acts will expire by limitation on the 11th day of August, 1866, leaving the roads for whose benefit they were conferred in an unfinished condition, it is recommended that the time within which they may be completed be extended for a period of five years.

ANDREW JOHNSON.

WASHINGTON, *April 11, 1866.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th ultimo, in relation to the seizure and detention at New York of the steamship

Meteor, I transmit herewith a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1866.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Bois Forte band of Chippewa Indians on the 7th instant, together with the accompanying communications from the Secretary of the Interior and Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th instant, requesting information in regard to the rights and interests of American citizens in the fishing grounds adjacent to the British Provinces, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, *April 20, 1866.*

To the Senate of the United States:

In compliance with the Senate's resolution of the 8th January, 1866, I transmit herewith a communication from the Secretary of War of the 19th instant, covering copies of the correspondence respecting General Orders, No. 17,* issued by the commander of the Department of California, and also the Attorney-General's opinion as to the question whether the order involves a breach of neutrality toward Mexico.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 20, 1866.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 2d instant, requesting information respecting the collection of the remains of officers and soldiers killed and buried on the various battlefields about Atlanta, I transmit herewith a report on the subject from the Secretary of War.

ANDREW JOHNSON.

*Instructing commanders on the southern frontiers within the Department of California "to take the necessary measures to preserve the neutrality of the United States with respect to the parties engaged in the existing war in Mexico, and to suffer no armed parties to pass the frontier from the United States, nor suffer any arms or munitions of war to be sent over the frontier to either belligerent," etc.

WASHINGTON, *April 21, 1866.*

To the Senate of the United States:

I transmit herewith a communication of this date from the Secretary of War, covering a copy of the proceedings of a board of officers in relation to brevet appointments in the Regular Army, requested in the Senate's resolution of the 18th April, 1866.

ANDREW JOHNSON.

WASHINGTON, *April 23, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention which was signed at Tangier on the 31st of May last between the United States and other powers on the one part and the Sultan of Morocco on the other part, concerning the administration and maintenance of a light-house on Cape Spartel.

ANDREW JOHNSON.

WASHINGTON, *April 23, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 16th instant, requesting information relative to the proposed evacuation of Mexico by French military forces, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., April 24, 1866.

To the Senate and House of Representatives:

I submit herewith, for the consideration of Congress, the accompanying communication from the Secretary of the Interior, in relation to the Union Pacific Railroad Company, eastern division.

It appears that the company were required to complete 100 miles of their road within three years after their acceptance of the conditions of the original act of Congress. This period expired December 22, 1865. Sixty-two miles had been previously accepted by the Government. Since that date an additional section of 23 miles has been completed. Commissioners appointed for that purpose have examined and reported upon it, and an application has been made for its acceptance.

The failure to complete 100 miles of road within the period prescribed renders it questionable whether the executive officers of the Government are authorized to issue the bonds and patents to which the company would be entitled if this as well as the other requirements of the act had been faithfully observed.

This failure may to some extent be ascribed to the financial condition of the country incident to the recent civil war. As the company appear to be engaged in the energetic prosecution of their work and manifest a disposition to comply with the conditions of the grant, I recommend that the time for the completion of this part of the road be extended and that authority be given for the issue of bonds and patents on account of the section now offered for acceptance notwithstanding such failure, should the company in other respects be thereunto entitled.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 28, 1866.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty this day concluded with the Choctaw and Chickasaw nations of Indians.

ANDREW JOHNSON.

WASHINGTON, *April 30, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th instant, requesting information in regard to the rebel debt known as the cotton loan, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 2, 1866.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 23d ultimo, I transmit a report from the Secretary of War, from which it will be perceived that it is not deemed compatible with the public interests to communicate to the House the report made by General Smith and the Hon. James T. Brady of their investigations at New Orleans, La.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 4, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 5th of March, 1866, requesting the names of persons worth more than $20,000 to whom special pardons have been issued, and a statement of the amount of property which has been seized as belonging to the enemies of the Government, or as abandoned property, and returned to those who claimed to be the original owners, I transmit herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of

War, and the Attorney-General, together with a copy of the amnesty proclamation of the 29th of May, 1865, and a copy of the warrants issued in cases in which special pardons are granted. The second, third, and fourth conditions of the warrant prescribe the terms, so far as property is concerned, upon which all such pardons are granted and accepted.

ANDREW JOHNSON.

WASHINGTON, *May 4, 1866.*

To the Senate and House of Representatives:

Referring to my message of the 12th of March last, communicating information in regard to a proposed exposition of fishery and water culture at Arcachon, in France, I communicate a copy of another dispatch from the minister of the United States in Paris to the Secretary of State, and again invite the attention of Congress to the subject.

ANDREW JOHNSON.

WASHINGTON, *May 7, 1866.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 19th ultimo, I transmit herewith a report from Benjamin C. Truman, relative to the condition of the Southern people and the States in which the rebellion existed.

ANDREW JOHNSON.

WASHINGTON, *May 9, 1866.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence between the Secretary of State and the acting chargé d'affaires of the United States at Guayaquil, in the Republic of Ecuador, from which it appears that the Government of that Republic has failed to pay the first installment of the award of the commissioners under the convention between the United States and Ecuador of the 25th November, 1862, which installment was due on the 17th of February last.

As debts of this character from one government to another are justly regarded as of a peculiarly sacred character, and as further diplomatic measures are not in this instance likely to be successful, the expediency of authorizing other proceedings in case they should ultimately prove to be indispensable is submitted to your consideration.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 10, 1866.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, in answer to the resolution of the House of Representatives of the 3d instant

requesting information concerning discriminations made by the so-called Maximilian Government of Mexico against American commerce, or against commerce from particular American ports.

ANDREW JOHNSON.

WASHINGTON, *May 11, 1866.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to that part of the resolution of the House of Representatives of the 7th instant which calls for information in regard to the clerks employed in the Department of State.

ANDREW JOHNSON.

WASHINGTON, *May 16, 1866.*

To the Senate and House of Representatives:

I transmit to Congress a copy of the correspondence between the Secretary of State and Cornelius Vanderbilt, of New York, relative to the joint resolution of the 28th of January, 1864, upon the subject of the gift of the steamer *Vanderbilt* to the United States.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, May 17, 1866.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

SIR: I have the honor to submit herewith a communication of the Secretary of War, inclosing one from the Lieutenant-General, relative to the necessity for legislation upon the subject of the Army.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 17, 1866.*

To the House of Representatives:

In further response to the resolution of the House of Representatives of the 7th instant, calling for information in regard to clerks employed in the several Executive Departments, I transmit herewith reports from the Secretary of the Navy and the Secretary of the Interior and the Postmaster-General.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 22, 1866.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, made in compliance with the resolution of the House of Representatives of the 7th instant, calling for information in respect to clerks employed in the several Executive Departments of the Government.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 22, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 27th ultimo, requesting a collation of the provisions in reference to freedmen contained in the amended constitutions of the Southern States and in the laws of those States passed since the suppression of the rebellion, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 24, 1866.*

To the House of Representatives:

I transmit herewith a report from the Postmaster-General, made in answer to the resolution of the House of Representatives of the 14th instant, calling for information relative to the proposed mail steamship service between the United States and Brazil.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 25, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 21st instant, I transmit herewith a report from the Secretary of War, with the accompanying papers, in reference to the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, *May 30, 1866*

To the Senate and House of Representatives:

With sincere regret I announce to Congress that Winfield Scott, late Lieutenant-General in the Army of the United States, departed this life at West Point, in the State of New York, on the 29th day of May instant, at 11 o'clock in the forenoon. I feel well assured that Congress will share in the grief of the nation which must result from its bereavement of a citizen whose high fame is identified with the military history of the Republic.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 30, 1866.*

To the House of Representatives:

I transmit a communication from the Secretary of War, covering a supplemental report to that already made to the House of Representatives, in answer to its resolution of the 21st instant, requesting the reports of General Steedman and others in reference to the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands.

ANDREW JOHNSON.

WASHINGTON, *June 5, 1866.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and the Republic of Venezuela on the subject of the claims of citizens of the United States upon the Government of that Republic, which convention was signed by the plenipotentiaries of the parties at the city of Caracas on the 25th of April last.

ANDREW JOHNSON.

WASHINGTON, *June 9, 1866.*

To the House of Representatives:

I transmit herewith a report from the Acting Secretary of the Interior, communicating the information requested by a resolution of the House of Representatives of the 21st ultimo, in relation to the removal of the Sioux Indians of Minnesota and the provisions made for their accommodation in the Territory of Nebraska.

ANDREW JOHNSON.

WASHINGTON, *June 9, 1866.*

To the Senate of the United States:

In compliance with a call of the Senate, as expressed in a resolution adopted on the 6th instant, I transmit a copy of the report of the Board of Visitors to the United States Naval Academy for the year 1866.

ANDREW JOHNSON.

WASHINGTON, *June 11, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th ultimo, calling for information relative to the claims of citizens of the United States against the Republic of Venezuela, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *June 11, 1866.*

To the Senate and House of Representatives:

It is proper that I should inform Congress that a copy of an act of the legislature of Georgia of the 10th of March last has been officially communicated to me, by which that State accepts the donation of lands for the benefit of colleges for agriculture and the mechanic arts, which donation was provided for by the acts of Congress of the 2d of July, 1862, and 14th of April, 1864.

ANDREW JOHNSON

WASHINGTON, *June 11, 1866.*

To the Senate and House of Representatives:

I communicate and invite the attention of Congress to a copy of joint resolutions of the senate and house of representatives of the State of Georgia, requesting a suspension of the collection of the internal-revenue tax due from that State pursuant to the act of Congress of the 5th of August, 1861.

ANDREW JOHNSON.

WASHINGTON, *June 13, 1866.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 11th instant, requesting information concerning the provisions of the laws and ordinances of the late insurgent States on the subject of the rebel debt, so called, I transmit a report from the Secretary of State and the document by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *June 14, 1866.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 28th of May, requesting information as to what progress has been made in completing the maps connected with the boundary survey under the treaty of Washington, with copies of any correspondence on this subject not heretofore printed, I transmit a report from the Secretary of State and the documents which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *June 15, 1866.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 13th instant, calling for information in regard to the departure of troops from Austria to Mexico, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *June 16, 1866.*

To the Senate of the United States:

I communicate herewith a report from the Acting Secretary of the Interior, furnishing, as requested by a resolution of the Senate of the 25th ultimo, information touching the transactions of the executive branch of the Government respecting the transportation, settlement, and colonization of persons of the African race.

ANDREW JOHNSON.

WASHINGTON, *June 18, 1866.*

To the House of Representatives:

In reply to a resolution of the House of Representatives of the 11th instant, requesting information in regard to the dispatch of military forces from Austria for service in Mexico, I transmit a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 21st ultimo, requesting information as to the collection of the direct tax in the States whose inhabitants participated in the rebellion, I transmit a communication from the Secretary of the Treasury, accompanied by a report from the Deputy Commissioner of Internal Revenue.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 22, 1866.*

To the Senate and House of Representatives:

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant, respecting a submission to the legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the governors of the several States certified copies of the joint resolution passed on the 13th instant, proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two Houses for the approval of the President and that of the thirty-six States which constitute the Union eleven are excluded from representation in either House of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States in conformity with the organic law of the land, and have appeared at the national capital by Senators and Representatives, who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment or as to the merits of the article which it submits through the executive department to the legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress and pressed upon the legislatures of the several States for final decision until after the admission of such loyal Senators and Representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1866.*

To the Senate and House of Representatives:

In further answer to recent resolutions of the Senate and House of Representatives, requesting information in regard to the employment of European troops in Mexico, I transmit to Congress a copy of a dispatch of the 4th of this month addressed to the Secretary of State by the minister of the United States at Paris.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1866.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 18th instant, calling for information in regard to the arrest and imprisonment in Ireland of American citizens, I transmit herewith a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON CITY, *June 23, 1866.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, communicating in part the information requested by a resolution of the House of Representatives of the 23d of April last, in relation to appropriations and expenditures connected with the Indian service.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 28, 1866.*

To the Senate and House of Representatives:

I transmit a communication from the Secretary of the Navy and the accompanying copy of a report and maps prepared by a board of examiners appointed under authority of the joint resolution approved June 1, 1866, "to examine a site for a fresh-water basin for ironclad vessels of the United States Navy."

ANDREW JOHNSON.

WASHINGTON, D. C., *June 28, 1866.*

To the House of Representatives:

I transmit herewith reports from the heads of the several Executive Departments, made in answer to the resolution of the House of Representatives of the 4th instant, requesting information as to whether any of the civil or military employees of the Government have assisted in the rendition of public honors to the rebel living or dead.

ANDREW JOHNSON.

WASHINGTON, *July 7, 1866.*

To the Senate of the United States:

The accompanying report of the Secretary of the Treasury is transmitted to the Senate in compliance with its resolution of the 20th ultimo, calling for a statement of the expenditures of the United States for the various public works of the Government in each State and Territory of the Union and in the District of Columbia from the year 1860 to the close of the year 1865.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1866.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Seminole Nation of Indians on the 21st day of March, 1866, together with the accompanying communications from the Secretary of the Interior and the Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1866.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a treaty concluded with the Creek Nation of Indians on the 14th day of June, 1866, together with the accompanying communications from the Secretary of the Interior and the Commissioner of Indian Affairs.

ANDREW JOHNSON.

WASHINGTON, *July 17, 1866.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of yesterday, requesting information relative to proposed international movements in connection with the Paris Universal Exposition for the reform of systems of coinage, weights, and measures, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *July 17, 1866.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated 12th instant, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1866.*

To the Senate of the United States:

I transmit, for the constitutional action of the Senate, certain articles of agreement made at the Delaware Agency, Kans., on the 4th instant between the United States and the Delaware Indians.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1866.*

To the Senate:

I herewith submit, for the constitutional action of the Senate, a treaty negotiated at the city of Washington, D. C., on the 19th instant, between the United States, represented by Dennis N. Cooley, Commissioner of Indian Affairs, and Elijah Sells, superintendent of Indian affairs for the southern superintendency, and the Cherokee Nation of Indians, represented by its delegates, James McDaniel, Smith Christie, White Catcher, L. H. Benge, J. B. Jones, and Daniel H. Ross.

The distracted condition of the Cherokee Nation and the peculiar relation of many of its members to this Government during the rebellion presented almost insuperable difficulties to treating with them. The treaty now submitted is a result of protracted negotiations. Its stipulations are, it is believed, as satisfactory to the contracting parties and furnish as just provisions for the welfare of the Indians and as strong guaranties for the maintenance of peaceful relations with them as under the circumstances could be expected.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 24, 1866.*

To the Senate of the United States:

I hereby transmit, for the constitutional action of the Senate, a treaty concluded on the 15th of November, 1865, between the United States and the confederate tribes and bands of Indians of middle Oregon, the same being amendatory and supplemental to the treaty with said Indians of the 25th of June, 1855.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 24, 1866.*

To the House of Representatives:

The following "Joint resolution, restoring Tennessee to her relations in the Union," was last evening presented for my approval:

Whereas in the year 1861 the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State, in pursuance of an act of Congress, were declared to be in a state of insurrection against the United States; and

Whereas said State government can only be restored to its former political relations in the Union by the consent of the lawmaking power of the United States; and

Whereas the people of said State did, on the 22d day of February, 1865, by a large popular vote, adopt and ratify a constitution of government whereby slavery was abolished and all ordinances and laws of secession and debts contracted under the same were declared void; and

Whereas a State government has been organized under said constitution which has ratified the amendment to the Constitution of the United States abolishing slavery, also the amendment proposed by the Thirty-ninth Congress, and has done other acts proclaiming and denoting loyalty: Therefore,

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That the State of Tennessee is hereby restored to her former proper practical relations to the Union, and is again entitled to be represented by Senators and Representatives in Congress.

The preamble simply consists of statements, some of which are assumed, while the resolution is merely a declaration of opinion. It comprises no legislation, nor does it confer any power which is binding upon the respective Houses, the Executive, or the States. It does not admit to their seats in Congress the Senators and Representatives from the State of Tennessee, for, notwithstanding the passage of the resolution, each House, in the exercise of the constitutional right to judge for itself of the elections, returns, and qualifications of its members, may, at its discretion, admit them or continue to exclude them. If a joint resolution of this kind were necessary and binding as a condition precedent to the admission of members of Congress, it would happen, in the event of a veto by the Executive, that Senators and Representatives could only be admitted to the halls of legislation by a two-thirds vote of each of the Houses.

Among other reasons recited in the preamble for the declaration contained in the resolution is the ratification by the State government of Tennessee of "the amendment to the Constitution of the United States

abolishing slavery, also the amendment proposed by the Thirty-ninth Congress." If, as is also declared in the preamble, "said State government can only be restored to its former political relations in the Union by the consent of the lawmaking power of the United States," it would really seem to follow that the joint resolution which at this late day has received the sanction of Congress should have been passed, approved, and placed on the statute books before any amendment to the Constitution was submitted to the legislature of Tennessee for ratification. Otherwise the inference is plainly deducible that while, in the opinion of Congress, the people of a State may be too strongly disloyal to be entitled to representation, they may nevertheless, during the suspension of their "former proper practical relations to the Union," have an equally potent voice with other and loyal States in propositions to amend the Constitution, upon which so essentially depend the stability, prosperity, and very existence of the nation.

A brief reference to my annual message of the 4th of December last will show the steps taken by the Executive for the restoration to their constitutional relations to the Union of the States that had been affected by the rebellion. Upon the cessation of active hostilities provisional governors were appointed, conventions called, governors elected by the people, legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time the courts of the United States were reopened, the blockade removed, the custom-houses reestablished, and postal operations resumed. The amendment to the Constitution abolishing slavery forever within the limits of the country was also submitted to the States, and they were thus invited to and did participate in its ratification, thus exercising the highest functions pertaining to a State. In addition nearly all of these States, through their conventions and legislatures, had adopted and ratified constitutions "of government whereby slavery was abolished and all ordinances and laws of secession and debts contracted under the same were declared void." So far, then, the political existence of the States and their relations to the Federal Government had been fully and completely recognized and acknowledged by the executive department of the Government; and the completion of the work of restoration, which had progressed so favorably, was submitted to Congress, upon which devolved all questions pertaining to the admission to their seats of the Senators and Representatives chosen from the States whose people had engaged in the rebellion.

All these steps had been taken when, on the 4th day of December, 1865, the Thirty-ninth Congress assembled. Nearly eight months have elapsed since that time; and no other plan of restoration having been proposed by Congress for the measures instituted by the Executive, it is now declared, in the joint resolution submitted for my approval, "that the State of Tennessee is hereby restored to her former proper practical relations to the Union, and is again entitled to be represented by Senators

GRANT, SHERMAN AND SHERIDAN IN WAR TIME

GRANT, SHERMAN AND SHERIDAN

After the bickerings and intrigues of the unlucky generals who rotated in command during the disastrous years of 1861, 1862 and 1863, it must have been a wonderful pleasure to Lincoln to observe the way Sherman and Sheridan carried out the orders of Grant. Seeing things alike, the three were in complete sympathy; there seems to have been no jealousy whatsoever between them. Each in his field was a master. Grant's strategy was based on his belief that the armies of the Confederacy must be vanquished and the rebellious States subjugated or the Federal Government overthrown. There was no thought for half-way measures. He plunged in, grappled with his adversary, and was whipped time and again, but never confessed it to himself or any one else. He knew that Lee could not fill up his ranks again, so every Confederate that was shot brought the Rebellion so much nearer subjugation; this consoled him for the loss of three men to Lee's one. Sherman was equally determined, but possessed broader knowledge of strategy and a more fertile brain. Grant would take punishment with set jaws and unwavering resolution; Sherman would change the ground and spar for time until he could grapple to better advantage. Sherman's generalship was of a higher quality than Grant's, if obtaining magnificent results at small cost of life is the basis of judgment, but still Sherman was never pitted against Lee and his army of Northern Virginia. Sheridan was the Stonewall Jackson of the North. His handling of the battle of Cedar Creek is typical of his dash and energy. His army had been driven back four miles and was routed, retreating in panic. Sheridan rode from Winchester to the scene, united the corps, formed a new line of battle, and at 1 p.m. repulsed the oncoming Confederates. At 3 p.m. this erstwhile routed army attacked their enemy with such spirit that he broke and fled. An ignominious rout was converted by one man into a splendid victory.

and Representatives in Congress." Thus, after the lapse of nearly eight months, Congress proposes to pave the way to the admission to representation of one of the eleven States whose people arrayed themselves in rebellion against the constitutional authority of the Federal Government.

Earnestly desiring to remove every cause of further delay, whether real or imaginary, on the part of Congress to the admission to seats of loyal Senators and Representatives from the State of Tennessee, I have, notwithstanding the anomalous character of this proceeding, affixed my signature to the resolution. My approval, however, is not to be construed as an acknowledgment of the right of Congress to pass laws preliminary to the admission of duly qualified Representatives from any of the States. Neither is it to be considered as committing me to all the statements made in the preamble, some of which are, in my opinion, without foundation in fact, especially the assertion that the State of Tennessee has ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress. No official notice of such ratification has been received by the Executive or filed in the Department of State; on the contrary, unofficial information from the most reliable sources induces the belief that the amendment has not yet been constitutionally sanctioned by the legislature of Tennessee. The right of each House under the Constitution to judge of the elections, returns, and qualifications of its own members is undoubted, and my approval or disapproval of the resolution could not in the slightest degree increase or diminish the authority in this respect conferred upon the two branches of Congress.

In conclusion I can not too earnestly repeat my recommendation for the admission of Tennessee, and all other States, to a fair and equal participation in national legislation when they present themselves in the persons of loyal Senators and Representatives who can comply with all the requirements of the Constitution and the laws. By this means harmony and reconciliation will be effected, the practical relations of all the States to the Federal Government reestablished, and the work of restoration, inaugurated upon the termination of the war, successfully completed.

ANDREW JOHNSON.

WASHINGTON, *July 25, 1866.*

To the Senate of the United States:

I nominate Lieutenant-General Ulysses S. Grant to be General of the Army of the United States.

ANDREW JOHNSON,

WASHINGTON, *July 26, 1866.*

To the House of Representatives:

In answer to two resolutions of the House of Representatives of the 23d instant, in the following words, respectively—

Resolved, That the House of Representatives respectfully request the President of

the United States to urge upon the Canadian authorities, and also the British Government, the release of the Fenian prisoners recently captured in Canada;

Resolved, That this House respectfully request the President to cause the prosecutions instituted in the United States courts against the Fenians to be discontinued, if compatible with the public interest—

I transmit a report on the subject from the Secretary of State, together with the documents which accompany it.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, *February 19, 1866.*

To the Senate of the United States:

I have examined with care the bill, which originated in the Senate and has been passed by the two Houses of Congress, to amend an act entitled "An act to establish a bureau for the relief of freedmen and refugees," and for other purposes. Having with much regret come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate with my objections to its becoming a law.

I might call to mind in advance of these objections that there is no immediate necessity for the proposed measure. The act to establish a bureau for the relief of freedmen and refugees, which was approved in the month of March last, has not yet expired. It was thought stringent and extensive enough for the purpose in view in time of war. Before it ceases to have effect further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace.

I share with Congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and property and their entire independence and equality in making contracts for their labor, but the bill before me contains provisions which in my opinion are not warranted by the Constitution and are not well suited to accomplish the end in view.

The bill proposes to establish by authority of Congress military jurisdiction over all parts of the United States containing refugees and freedmen. It would by its very nature apply with most force to those parts of the United States in which the freedmen most abound, and it expressly extends the existing temporary jurisdiction of the Freedmen's Bureau, with greatly enlarged powers, over those States "in which the ordinary course of judicial proceedings has been interrupted by the rebellion." The source from which this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the Commissioner of the Freedmen's Bureau. The agents to carry out this military jurisdiction are to be selected either from the Army or from civil

life; the country is to be divided into districts and subdistricts, and the number of salaried agents to be employed may be equal to the number of counties or parishes in all the United States where freedmen and refugees are to be found.

The subjects over which this military jurisdiction is to extend in every part of the United States include protection to "all employees, agents, and officers of this bureau in the exercise of the duties imposed" upon them by the bill. In eleven States it is further to extend over all cases affecting freedmen and refugees discriminated against "by local law, custom, or prejudice." In those eleven States the bill subjects any white person who may be charged with depriving a freedman of "any civil rights or immunities belonging to white persons" to imprisonment or fine, or both, without, however, defining the "civil rights and immunities" which are thus to be secured to the freedmen by military law. This military jurisdiction also extends to all questions that may arise respecting contracts. The agent who is thus to exercise the office of a military judge may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment to which all men are liable. The exercise of power over which there is no legal supervision by so vast a number of agents as is contemplated by the bill must, by the very nature of man, be attended by acts of caprice, injustice, and passion.

The trials having their origin under this bill are to take place without the intervention of a jury and without any fixed rules of law or evidence. The rules on which offenses are to be "heard and determined" by the numerous agents are such rules and regulations as the President, through the War Department, shall prescribe. No previous presentment is required nor any indictment charging the commission of a crime against the laws; but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country.

While the territory and the classes of actions and offenses that are made subject to this measure are so extensive, the bill itself, should it become a law, will have no limitation in point of time, but will form a part of the permanent legislation of the country. I can not reconcile a system of military jurisdiction of this kind with the words of the Constitution which declare that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," and that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed." The safeguards

which the experience and wisdom of ages taught our fathers to establish as securities for the protection of the innocent, the punishment of the guilty, and the equal administration of justice are to be set aside, and for the sake of a more vigorous interposition in behalf of justice we are to take the risks of the many acts of injustice that would necessarily follow from an almost countless number of agents established in every parish or county in nearly a third of the States of the Union, over whose decisions there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in time of peace certainly ought never to be intrusted to any one man.

If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce and credit and industry of the country by declaring to the American people and to the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of the rights of whole communities. The country has returned, or is returning, to a state of peace and industry, and the rebellion is in fact at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country as it is at variance with the Constitution of the United States.

If, passing from general considerations, we examine the bill in detail, it is open to weighty objections.

In time of war it was eminently proper that we should provide for those who were passing suddenly from a condition of bondage to a state of freedom. But this bill proposes to make the Freedmen's Bureau, established by the act of 1865 as one of many great and extraordinary military measures to suppress a formidable rebellion, a permanent branch of the public administration, with its powers greatly enlarged. I have no reason to suppose, and I do not understand it to be alleged, that the act of March, 1865, has proved deficient for the purpose for which it was passed, although at that time and for a considerable period thereafter the Government of the United States remained unacknowledged in most of the States whose inhabitants had been involved in the rebellion. The institution of slavery, for the military destruction of which the Freedmen's Bureau was called into existence as an auxiliary, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the assent and concurrence of most of those States in which it at any time had an existence. I am not, therefore, able to discern in the condition of the country anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau, which were effective for the protection of

freedmen and refugees during the actual continuance of hostilities and of African servitude, will now, in a time of peace and after the abolition of slavery, prove inadequate to the same proper ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which provision is made in the bill.

The third section of the bill authorizes a general and unlimited grant of support to the destitute and suffering refugees and freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of landed estates for freedmen, and for the erection for their benefit of suitable buildings for asylums and schools, the expenses to be defrayed from the Treasury of the whole people. The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in the defense of the Union, but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution; nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people more than another. Pending the war many refugees and freedmen received support from the Government, but it was never intended that they should thenceforth be fed, clothed, educated, and sheltered by the United States. The idea on which the slaves were assisted to freedom was that on becoming free they would be a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects.

The appointment of an agent for every county and parish will create an immense patronage, and the expense of the numerous officers and their clerks, to be appointed by the President, will be great in the beginning, with a tendency steadily to increase. The appropriations asked by the Freedmen's Bureau as now established, for the year 1866, amount to $11,745,000. It may be safely estimated that the cost to be incurred under the pending bill will require double that amount—more than the entire sum expended in any one year under the Administration of the second Adams. If the presence of agents in every parish and county is to be considered as a war measure, opposition, or even resistance, might be provoked; so that to give effect to their jurisdiction troops would have to be stationed within reach of every one of them, and thus a large standing force be rendered necessary. Large appropriations would therefore

be required to sustain and enforce military jurisdiction in every county or parish from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging, but in order to sustain the present measure of public confidence it is necessary that we practice not merely customary economy, but, as far as possible, severe retrenchment.

In addition to the objections already stated, the fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to that provision of the Constitution which declares that no person shall "be deprived of life, liberty, or property without due process of law." It does not appear that a part of the lands to which this section refers may not be owned by minors or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even then it can not be appropriated to public purposes until by due process of law it shall have been declared forfeited to the Government.

There is still further objection to the bill, on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension.

Undoubtedly the freedman should be protected, but he should be protected by the civil authorities, especially by the exercise of all the constitutional powers of the courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor can not well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, and from capitalists in his vicinage or from other States will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode, and if, therefore, he does not find in one community or State a mode of life suited to his desires or proper remuneration for his labor, he can move to another where that labor is more esteemed and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the exceedingly great demand for labor will not operate in favor of the laborer.

Neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry

and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that instead of wasting away they will by their own efforts establish for themselves a condition of respectability and prosperity. It is certain that they can attain to that condition only through their own merits and exertions.

In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support, and control of 4,000,000 emancipated slaves to agents, overseers, or taskmasters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees. Such a system would inevitably tend to a concentration of power in the Executive which would enable him, if so disposed, to control the action of this numerous class and use them for the attainment of his own political ends.

I can not but add another very grave objection to this bill. The Constitution imperatively declares, in connection with taxation, that each State *shall* have at least one Representative, and fixes the rule for the number to which, in future times, each State shall be entitled. It also provides that the Senate of the United States *shall* be composed of two Senators from each State, and adds with peculiar force "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." The original act was necessarily passed in the absence of the States chiefly to be affected, because their people were then contumaciously engaged in the rebellion. Now the case is changed, and some, at least, of those States are attending Congress by loyal representatives, soliciting the allowance of the constitutional right for representation. At the time, however, of the consideration and the passing of this bill there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions. The very fact that reports were and are made against the good disposition of the people of that portion of the country is an additional reason why they need and should have representatives of their own in Congress to explain their condition, reply to accusations, and assist by their local knowledge in the perfecting of measures immediately affecting themselves. While the liberty of deliberation would then be free and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested had not been permitted to be heard. The principle is firmly fixed in the minds of the American people that there should be no taxation without representation. Great burdens have now to be borne by all the country, and we may best demand that they shall be borne without murmur when they are voted by a majority of the representatives of all the people. I would not interfere with the unquestionable

right of Congress to judge, each House for itself, "of the elections, returns, and qualifications of its own members;" but that authority can not be construed as including the right to shut out in time of peace any State from the representation to which it is entitled by the Constitution. At present all the people of eleven States are excluded—those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her constitutional relations to the Union by the patriotism and energy of her injured and betrayed people. Before the war was brought to a termination they had placed themselves in relations with the General Government, had established a State government of their own, and, as they were not included in the emancipation proclamation, they by their own act had amended their constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example, should not fully enjoy "all her constitutional relations to the United States."

The President of the United States stands toward the country in a somewhat different attitude from that of any member of Congress. Each member of Congress is chosen from a single district or State; the President is chosen by the people of all the States. As eleven States are not at this time represented in either branch of Congress, it would seem to be his duty on all proper occasions to present their just claims to Congress. There always will be differences of opinion in the community, and individuals may be guilty of transgressions of the law, but these do not constitute valid objections against the right of a State to representation. I would in no wise interfere with the discretion of Congress with regard to the qualifications of members; but I hold it my duty to recommend to you, in the interests of peace and the interests of union, the admission of every State to its share in public legislation when, however insubordinate, insurgent, or rebellious its people may have been, it presents itself, not only in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty can not be questioned under any existing constitutional or legal test. It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attended by a spirit of disquiet and complaint. It is unwise and dangerous to pursue a course of measures which will unite a very large section of the country against another section of the country, however much the latter may preponderate. The course of emigration, the development of industry and business, and natural causes will raise up at the South men as devoted to the Union as those of any other part of the land; but if they are all excluded from Congress, if in a permanent statute they are declared not to be in full constitutional relations to the country, they may think they have cause to become a unit in feeling and sentiment against the Government. Under the political education of the American people the idea is inherent and ineradicable that the consent

of the majority of the whole people is necessary to secure a willing acquiescence in legislation.

The bill under consideration refers to certain of the States as though they had not "been fully restored in all their constitutional relations to the United States." If they have not, let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that in my own judgment most of those States, so far, at least, as depends upon their own action, have already been fully restored, and are to be deemed as entitled to enjoy their constitutional rights as members of the Union. Reasoning from the Constitution itself and from the actual situation of the country, I feel not only entitled but bound to assume that with the Federal courts restored and those of the several States in the full exercise of their functions the rights and interests of all classes of people will, with the aid of the military in cases of resistance to the laws, be essentially protected against unconstitutional infringement or violation. Should this expectation unhappily fail, which I do not anticipate, then the Executive is already fully armed with the powers conferred by the act of March, 1865, establishing the Freedmen's Bureau, and hereafter, as heretofore, he can employ the land and naval forces of the country to suppress insurrection or to overcome obstructions to the laws.

In accordance with the Constitution, I return the bill to the Senate, in the earnest hope that a measure involving questions and interests so important to the country will not become a law, unless upon deliberate consideration by the people it shall receive the sanction of an enlightened public judgment.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 27, 1866.*

To the Senate of the United States:

I regret that the bill, which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights and furnish the means of their vindication," contains provisions which I can not approve consistently with my sense of duty to the whole people and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the House in which it originated, with my objections to its becoming a law.

By the first section of the bill all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races born in the United States is by the bill made a citizen of the United States. It does not purport to declare or confer any other right

of citizenship than Federal citizenship. It does not purport to give these classes of persons any status as citizens of States, except that which may result from their status as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship is with Congress.

The right of Federal citizenship thus to be conferred on the several excepted races before mentioned is now for the first time proposed to be given by law. If, as is claimed by many, all persons who are native born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill can not be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States. Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill. Those rights are, by Federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government from its origin to the present time seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens as contemplated by the Constitution of the United States. The bill in effect proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have just now been suddenly opened. He must of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has, to some extent at least, familiarized himself with the principles of a Government to which he voluntarily intrusts "life, liberty, and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States,

while persons of foreign birth who make our land their home must undergo a probation of five years, and can only then become citizens upon proof that they are "of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same."

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes so made citizens "in every State and Territory in the United States." These rights are "to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property," and to have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens." So, too, they are made subject to the same punishment, pains, and penalties in common with white citizens, and to none other. Thus a perfect equality of the white and colored races is attempted to be fixed by Federal law in every State of the Union over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise any power of discrimination between the different races. In the exercise of State policy over matters exclusively affecting the people of each State it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, Northern as well as Southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that—

> Marriages between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offense against public decorum.

I do not say that this bill repeals State laws on the subject of marriage between the two races, for as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore can not under this bill enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally Congress may not also repeal the State laws as to the contract of marriage between the two races. Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not Federal restraints—as, for instance, in the State power

of legislation over contracts there is a Federal limitation that no State shall pass a law impairing the obligations of contracts; and, as to crimes, that no State shall pass an *ex post facto* law; and, as to money, that no State shall make anything but gold and silver a legal tender; but where can we find a Federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons, called corporations, and natural persons, in the right to hold real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally, to vote "in every State and Territory of the United States." As respects the Territories, they come within the power of Congress, for as to them the lawmaking power is the Federal power; but as to the States no similar provision exists vesting in Congress the power "to make rules and regulations" for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares—

> That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. It means an official offense, not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of the *right* to hold property. It means a deprivation of the right itself, either by the State judiciary or the State legislature. It is therefore assumed that under this section members of State legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as

ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments could be brought before other tribunals and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, If you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and "under color" of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment. I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality.

In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be in this respect not only anomalous, but unconstitutional; for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that in cases of conflict with the Constitution and constitutional laws of the United States the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive "cognizance of all crimes and offenses committed against the provisions of this act," and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases "affecting persons who are denied or can not enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section." The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." It stands, therefore, clear of doubt that the offense and the penalties provided in the second section are intended for the State judge who, in the clear exercise of his functions as a judge, not acting ministerially but judicially, shall decide contrary to this Federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and a Federal law, and bound, according to his own judgment and responsibility,

to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. The legislative department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that in States which deny to persons whose rights are secured by the first section of the bill any one of those rights all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of a State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offense is provided for and punished by Federal law, that law, and not the State law, is to govern. It is only when the offense does not happen to be within the purview of Federal law that the Federal courts are to try and punish him under any other law. Then resort is to be had to "the common law, as modified and changed" by State legislation, "so far as the same is not inconsistent with the Constitution and laws of the United States." So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens and for the punishment of all persons who violate its criminal laws, Federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section. The Constitution expressly declares that the judicial power of the United States "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects." Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above-recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within

the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States, for the bill applies alike to all of them—as well to those that have as to those that have not been engaged in rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that—

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

It can not, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people or the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States and the superior courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons from time to time to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, "as may be necessary to the performance of the duty with which they are charged." This extraordinary power is to be conferred upon agents irresponsible to the Government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of $10 shall be paid to each

commissioner in every case brought before him, and a fee of $5 to his deputy or deputies "for each person he or they may arrest and take before any such commissioner," "with such other fees as may be deemed reasonable by such commissioner," "in general for performing such other duties as may be required in the premises." All these fees are to be "paid out of the Treasury of the United States," whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate with the marshal and district attorney (and necessarily with the clerk, although he is not mentioned) to any part of the district upon the order of the President, and there hold a court, "for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;" and there the judge and officers of the court must remain, upon the order of the President, "for the time therein designated."

The ninth section authorizes the President, or such person as he may empower for that purpose, "to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act." This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave—capital owning labor. Now, suddenly, that relation is changed, and as to ownership capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and if left to the laws that regulate capital and labor it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor and attempts to settle questions of political economy through the agency of numerous officials whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people living under Federal and State law, no such system as that contemplated by the details

of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is by the bill made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers and break down the barriers which preserve the rights of the States. It is another step, or rather stride, toward centralization and the concentration of all legislative powers in the National Government. The tendency of the bill must be to resuscitate the spirit of rebellion and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were and thenceforward should be free; and further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guaranty has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say that I will cheerfully cooperate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the Federal Constitution.

I now return the bill to the Senate, and regret that in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval I am compelled to withhold my assent from a second measure that has received the sanction of both Houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 15, 1866.*

To the Senate of the United States:

I return to the Senate, in which House it originated, the bill, which has passed both Houses of Congress, entitled "An act for the admission of the State of Colorado into the Union," with my objections to its becoming a law at this time.

First. From the best information which I have been able to obtain I do not consider the establishment of a State government at present necessary for the welfare of the people of Colorado. Under the existing Territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators and their own local officers, and are represented in Congress by a Delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress—an authority not likely to be exercised unless in extreme or extraordinary cases. The population is small, some estimating it so low as 25,000, while advocates of the bill reckon the number at from 35,000 to 40,000 souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts beyond the limits of the Territory if circumstances shall render them more inviting. Such a population can not but find relief from excessive taxation if the Territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They can not but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire or are prepared for an exchange of a Territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held for the purpose of ascertaining the views of the people upon this particular question. Six thousand one hundred and ninety-two votes were cast, and of this number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory, with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this, the last-mentioned, result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new States.

Third. The admission of Colorado at this time as a State into the Federal Union appears to me to be incompatible with the public interests of the country. While it is desirable that Territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation toward equality among the several States composing the Union. No State can have less

or more than two Senators in Congress. The largest State has a population of 4,000,000; several of the States have a population exceeding 2,000,000, and many others have a population exceeding 1,000,000. A population of 127,000 is the ratio of apportionment of Representatives among the several States.

If this bill should become a law, the people of Colorado, 30,000 in number, would have in the House of Representatives one member, while New York, with a population of 4,000,000, has but thirty-one; Colorado would have in the electoral college three votes, while New York has only thirty-three; Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "Northwest Territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two Representatives in Congress would in a very short period be entitled to a great increase of representation. So, when California was admitted, on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important mining and commercial community. In the case of Colorado, I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality which has been so generally adhered to in our history.

If information submitted in connection with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a Territorial legislature held in 1861, 10,580 votes were cast; at the election before mentioned, in 1864, the number of votes cast was 6,192; while at the irregular election held in 1865, which is assumed as a basis for legislative action at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado; but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact or are believed by the inhabitants of Colorado to be richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census or another election under the authority of Congress would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a Territorial instead of a State government in Colorado at its first organization still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well those represented as those unrepresented, that the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the burdens of the Federal Government shall be consulted concerning the admission of new States; and that in the meantime no new State shall be prematurely and unnecessarily admitted to a participation in the political power which the Federal Government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 15, 1866.*

To the Senate of the United States:

The bill entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market" is herewith returned to the Senate, in which it originated, with the objections which induce me to withhold my approval.

By the terms of this bill the New York and Montana Iron Mining and Manufacturing Company are authorized, at any time within one year after the date of approval, to *preempt* two tracts of land in the Territory of Montana, not exceeding in the aggregate twenty sections, and not included in any Indian reservation or in any Government reservation for military or other purposes. Three of these sections may be selected from lands containing *iron ore and coal*, and the remainder from *timber* lands lying near thereto. These selections are to be made under regulations from the Secretary of the Interior and be subject to his approval. The company, on the selection of the lands, may acquire immediate possession by permanently marking their boundaries and publishing description thereof in any two newspapers of general circulation in the Territory of Montana. Patents are to be issued on the performance, within two years, of the following conditions:

First. The lands to be surveyed at the expense of the company, and each tract to be "as nearly in a square form as may be practicable."

Second. The company to furnish evidence satisfactory to the Secretary of the Interior that they have erected and have in operation in one or more places on said lands iron works capable of manufacturing at least 1,500 tons of iron per annum.

Third. The company to have paid for said lands the minimum price of $1.25 per acre.

It is also provided that the "patents shall convey no title to any mineral lands except iron and coal, or to any lands held by right of possession, or by any other title, *except Indian title*, valid at the time of the selection of the said lands." The company are to have the privileges of *ordinary preemptors* and be subject to the same restrictions as such preemptors with reference to wood and timber on the lands, with the exception of so much as may be necessarily used in the erection of buildings and in the legitimate business of manufacturing iron.

The parties upon whom these privileges are conferred are designated in the bill as "The New York and Montana Iron Mining and Manufacturing Company." Their names and residence not being disclosed, it must be inferred that this company is a corporation, which, under color of corporate powers derived from some State or Territorial legislative authority, proposes to carry on the business of mining and manufacturing iron, and to accomplish these ends seeks this grant of public land in Montana. Two questions thus arise, viz, whether the privileges the bill would confer should be granted to any person or persons, and, secondly, whether, if unobjectionable in other respects, they should be conferred upon a corporation.

The public domain is a national trust, set apart and held for the general welfare upon principles of equal justice, and not to be bestowed as a special privilege upon a favored class. The proper rules for the disposal of public land have from the earliest period been the subject of earnest inquiry, grave discussion, and deliberate judgment. The purpose of *direct* revenue was the first object, and this was attained by public sale to the highest bidder, and subsequently by the right of private purchase at a fixed minimum. It was soon discovered that the surest and most speedy means of promoting the wealth and prosperity of the country was by encouraging actual settlement and occupation, and hence a system of preemption rights, resulting most beneficially, in all the Western Territories. By progressive steps it has advanced to the homestead principle, securing to every head of a family, widow, and single man 21 years of age and to every soldier who has borne arms for his country a landed estate sufficient, with industry, for the purpose of independent support.

Without tracing the system of preemption laws through the several stages, it is sufficient to observe that it rests upon certain just and plain principles, firmly established in all our legislation. The object of these laws is to encourage the expansion of population and the development of agricultural interests, and hence they have been invariably restricted

to settlers. Actual residence and cultivation are made indispensable conditions; and, to guard the privilege from abuses of speculation or monopoly, the law is rigid as to the mode of establishing claims by adequate testimony, with penalties for perjury. Mining, trading, or any pursuit other than culture of the soil is interdicted, mineral lands being expressly excluded from preemption privileges, excepting those containing coal, which, in quantities not exceeding 160 acres, are restricted to individuals in actual possession and commerce, with an enhanced minimum of $20 per acre.

For a quarter of a century the quantity of land subject to agricultural preemption has been limited so as not to exceed a quarter section, or 160 acres; and, still further to guard against monopoly, the privilege of preemption is not allowed to any person who owns 320 acres of land in any State or Territory of the United States, nor is any person entitled to more than one preemptive right, nor is it extended to lands to which the Indian usufruct has not been extinguished. To restrict the privilege within reasonable limits, credit to the ordinary preemptor on *offered* land is not extended beyond twelve months, within which time the minimum price must be paid. Where the settlement is upon *unoffered* territory, the time for payment is limited to the day of public offering designated by proclamation of the President; while, to prevent depreciation of the land by waste or destruction of what may constitute its value, penal enactments have been made for the punishment of persons depredating upon public timber.

Now, supposing the New York and Montana Iron Mining and Manufacturing Company to be entitled to all the preemption rights which it has been found just and expedient to bestow upon natural persons, it will be seen that the privileges conferred by the bill in question are in direct conflict with every principle heretofore observed in respect to the disposal of the public lands.

The bill confers preemption right to *mineral lands*, which, excepting coal lands, at an enhanced minimum, have heretofore, as a general principle, been carefully excluded from preemption. The object of the company is not to cultivate the soil or to promote agriculture, but is for the sole purpose of mining and manufacturing iron. The company is not limited, like ordinary preemptors, to one preemptive claim of a quarter section, but may preempt two bodies of land, amounting in the aggregate to twenty sections, containing 12,800 acres, or eighty ordinary individual preemption rights. The timber is not protected, but, on the contrary, is devoted to speedy destruction; for even before the consummation of title the company are allowed to consume whatever may be necessary in the erection of buildings and the business of manufacturing iron. For these special privileges, in contravention of the land policy of so many years, the company are required to pay only the minimum price of $1.25 per acre, or one-sixteenth of the established minimum, and

are granted a credit of two years, or twice the time allowed ordinary preemptors on offered lands.

Nor is this all. The preemption right in question covers three sections of land containing iron ore and *coal*. The act passed on the 1st of July, 1864, made it lawful for the President to cause tracts embracing coal beds or coal fields to be offered at public sale in suitable legal subdivisions to the highest bidder, after public notice of not less than three months, at a minimum price of $20 per acre, and any lands not thus disposed of were thereafter to be liable to private entry at said minimum. By the act of March 3, 1865, the right of preemption to coal lands is granted to any citizen of the United States who at that date was engaged in the business of coal mining on the public domain for purposes of commerce; and he is authorized to enter, according to legal subdivisions, at the minimum price of $20 per acre, a quantity of land not exceeding 160 acres, to embrace his improvements and mining premises. Under these acts the minimum price of three sections of coal lands would be thirty-eight thousand four hundred dollars ($38,400).

By the bill now in question these sections containing *coal and iron* are bestowed on this company at the nominal price of $1.25 per acre, or two thousand four hundred dollars ($2,400), thus making a gratuity or gift to the New York and Montana Iron Mining and Manufacturing Company of thirty-six thousand dollars ($36,000).

On what ground can such a gratuity to this company be justified, especially at a time when the burdens of taxation bear so heavily upon all classes of the people?

Less than two years ago it appears to have been the deliberate judgment of Congress that tracts of land containing coal beds or coal fields should be sold, after three months' notice, to the bidder at public auction who would give the highest price over $20 per acre, and that a citizen engaged in the business of actual coal mining on the public domain should only secure a tract of 160 acres, at private entry, upon payment of $20 per acre and formal and satisfactory proof that he in all respects came within the requirements of the statute. It can not be that the coal fields of Montana have depreciated nearly twentyfold in value since July, 1864. So complete a revolution in the land policy as is manifested by this act can only be ascribed, therefore, to an inadvertence, which Congress will, I trust, promptly correct.

Believing that the preemption policy—so deliberately adopted, so long practiced, so carefully guarded with a view to the disposal of the public lands in a manner that would promote the population and prosperity of the country—should not be perverted to the purposes contemplated by this bill, I would be constrained to withhold my sanction even if this company were, as natural persons, entitled to the privileges of ordinary preemptors; for if a corporation, as the name and the absence of any designation of individuals would denote, the measure before me is liable to another fatal objection.

Why should incorporated companies have the privileges of individual preemptors? What principle of justice requires such a policy? What motive of public welfare can fail to condemn it? Lands held by corporations were regarded by ancient laws as held in mortmain, or by "dead hand," and from the time of Magna Charta corporations required the royal license to hold land, because such holding was regarded as in derogation of public policy and common right. Preemption is itself a special privilege, only authorized by its supposed public benefit in promoting the settlement and cultivation of vacant territory and in rewarding the enterprise of the persons upon whom the privilege is bestowed. "Preemption rights," as declared by the Supreme Court of the United States, "are founded in an enlightened public policy, rendered necessary by the enterprise of our citizens. The adventurous pioneer, who is found in advance of our settlements, encounters many hardships, and not unfrequently dangers from savage incursions. He is generally poor, and it is fit that his enterprise should be rewarded by the privilege of purchasing the spot selected by him, not to exceed 160 acres."

It may be said that this company, before they obtain a patent, must prove that within two years they "have erected and have in operation in one or more places on the said lands iron works with a capacity for manufacturing at least 1,500 tons of iron per annum." On the other hand, they are to have possession for two years of more than 12,000 acres of the choice land of the Territory, of which nearly 2,000 acres are to contain *iron ore and coal* and over 10,000 acres to be of *timber* land selected by themselves. They will thus have the first and exclusive choice. In fact, they are the only parties who at this time would have any privilege whatever in the way of obtaining titles in that Territory. Inasmuch as Montana has not yet been organized into a land district, the general preemption laws for the benefit of individual settlers have not yet been extended to that country, nor has a single acre of public land in the Territory yet been surveyed. With such exclusive and extraordinary privileges, how many companies would be willing to undertake furnaces that would produce 5 tons per day in much less time than two years?

It is plain the pretended consideration on which the patent is to issue bears no just proportion to that of the ordinary preemptor, and that this bill is but the precursor of a system of land distribution to a privileged class, unequal, unjust, and which ought not to receive the sanction of the General Government. Many thousand pioneers have turned their steps to the Western Territories, seeking, with their wives and children, homesteads to be acquired by sturdy industry under the preemption laws. On their arrival they should not find the timbered lands and the tracts containing iron ore and coal already surveyed and claimed by corporate companies, favored by the special legislation of Congress, and with boundaries fixed even in advance of the public surveys—a departure from the salutary provision requiring a settler upon unsurveyed lands to limit the

boundaries of his claim to the lines of the public survey after they shall have been established. He receives a title only to a legal subdivision, including his residence and improvements. The survey of the company may not accord with that which will hereafter be made by the Government, while the patent that issues will be descriptive of and confer a title to the tract as surveyed by the company.

I am aware of no precedent for granting such exclusive rights to a manufacturing company for a nominal consideration. Congress have made concessions to railway companies of alternate sections within given limits of the lines of their roads. This policy originated in the belief that the facilities afforded by reaching the parts of the country remote from the great centers of population would expedite the settlement and sale of the public domain. These incidental advantages were secured without pecuniary loss to the Government, by reason of the enhanced value of the reserved sections, which are held at the double minimum. Mining and manufacturing companies, however, have always been distinguished from public-improvement corporations. The former are, in law and in fact, only private associations for trade and business on individual account and for personal benefit. Admitting the proposition that railroad grants can stand on sound principle, it is plain that such can not be the case with concessions to companies like that contemplated by this measure. In view of the strong temptation to monopolize the public lands, with the pernicious results, it would seem at least of doubtful expediency to lift corporations above all competition with actual settlers by authorizing them to become purchasers of public lands in the Territories for any purpose, and particularly when clothed with the special benefits of this bill. For myself, I am convinced that the privileges of ordinary preemptors ought not to be extended to incorporated companies.

A third objection may be mentioned, as it exemplifies the spirit in which special privileges are sought by incorporated companies.

Land subject to Indian occupancy has always been scrupulously guarded by law from preemption settlement or encroachment under any pretext until the Indian title should be extinguished. In the fourth section of this act, however, lands held by "Indian title" are excepted from prohibition against the patent to be issued to the New York and Montana Iron Mining and Manufacturing Company.

The bill provides that the patent "shall convey no title to any mineral lands *except iron and coal*, or to any lands held by right of possession, or by any other title, *except Indian title*, valid at the time of the selection of the said lands." It will be seen that by the first section lands in "Indian reservations" are excluded from individual preemption right, but by the fourth section the patent may cover any Indian title except a *reservation;* so that no matter what may be the nature of the Indian title, unless it be in a reservation, it is unprotected from the privilege conceded by this bill.

Without further pursuing the subject, I return the bill to the Senate

without my signature, and with the following as prominent objections to its becoming a law:

First. That it gives to the New York and Montana Iron Mining and Manufacturing Company preemption privileges to iron and coal lands on a large scale and at the ordinary minimum—a privilege denied to ordinary preemptors. It bestows upon the company large tracts of *coal* lands at one-sixteenth of the minimum price required from ordinary preemptors. It also relieves the company from restrictions imposed upon ordinary preemptors in respect to *timber lands;* allows double the time for payment granted to preemptors on offered lands; and these privileges are for purposes not heretofore authorized by the preemption laws, but for trade and manufacturing.

Second. Preemption rights on such a scale to private corporations are unequal and hostile to the policy and principles which sanction preemption laws.

Third. The bill allows this company to take possession of land, use it, and acquire a patent thereto before the Indian title is extinguished, and thus violates the good faith of the Government toward the aboriginal tribes.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 16, 1866.*

To the House of Representatives:

A careful examination of the bill passed by the two Houses of Congress entitled "An act to continue in force and to amend 'An act to establish a bureau for the relief of freedmen and refugees, and for other purposes'" has convinced me that the legislation which it proposes would not be consistent with the welfare of the country, and that it falls clearly within the reasons assigned in my message of the 19th of February last, returning, without my signature, a similar measure which originated in the Senate. It is not my purpose to repeat the objections which I then urged. They are yet fresh in your recollection, and can be readily examined as a part of the records of one branch of the National Legislature. Adhering to the principles set forth in that message, I now reaffirm them and the line of policy therein indicated.

The only ground upon which this kind of legislation can be justified is that of the war-making power. The act of which this bill is intended as amendatory was passed during the existence of the war. By its own provisions it is to terminate within one year from the cessation of hostilities and the declaration of peace. It is therefore yet in existence, and it is likely that it will continue in force as long as the freedmen may require the benefit of its provisions. It will certainly remain in operation as a law until some months subsequent to the meeting of the next session of Congress, when, if experience shall make evident the necessity of additional legislation, the two Houses will have ample time to mature

and pass the requisite measures. In the meantime the questions arise, Why should this war measure be continued beyond the period designated in the original act, and why in time of peace should military tribunals be created to continue until each "State shall be fully restored in its constitutional relations to the Government and shall be duly represented in the Congress of the United States"?

It was manifest, with respect to the act approved March 3, 1865, that prudence and wisdom alike required that jurisdiction over all cases concerning the free enjoyment of the immunities and rights of citizenship, as well as the protection of person and property, should be conferred upon some tribunal in every State or district where the ordinary course of judicial proceedings was interrupted by the rebellion, and until the same should be fully restored. At that time, therefore, an urgent necessity existed for the passage of some such law. Now, however, war has substantially ceased; the ordinary course of judicial proceedings is no longer interrupted; the courts, both State and Federal, are in full, complete, and successful operation, and through them every person, regardless of race and color, is entitled to and can be heard. The protection granted to the white citizen is already conferred by law upon the freedman; strong and stringent guards, by way of penalties and punishments, are thrown around his person and property, and it is believed that ample protection will be afforded him by due process of law, without resort to the dangerous expedient of "military tribunals," now that the war has been brought to a close. The necessity no longer existing for such tribunals, which had their origin in the war, grave objections to their continuance must present themselves to the minds of all reflecting and dispassionate men. Independently of the danger, in representative republics, of conferring upon the military, in time of peace, extraordinary powers—so carefully guarded against by the patriots and statesmen of the earlier days of the Republic, so frequently the ruin of governments founded upon the same free principles, and subversive of the rights and liberties of the citizen—the question of practical economy earnestly commends itself to the consideration of the lawmaking power. With an immense debt already burdening the incomes of the industrial and laboring classes, a due regard for their interests, so inseparably connected with the welfare of the country, should prompt us to rigid economy and retrenchment, and influence us to abstain from all legislation that would unnecessarily increase the public indebtedness. Tested by this rule of sound political wisdom, I can see no reason for the establishment of the "military jurisdiction" conferred upon the officials of the Bureau by the fourteenth section of the bill.

By the laws of the United States and of the different States competent courts, Federal and State, have been established and are now in full practical operation. By means of these civil tribunals ample redress is afforded for all private wrongs, whether to the person or the property of the citizen, without denial or unnecessary delay. They are open to all, without regard

to color or race. I feel well assured that it will be better to trust the rights, privileges, and immunities of the citizen to tribunals thus established, and presided over by competent and impartial judges, bound by fixed rules of law and evidence, and where the right of trial by jury is guaranteed and secured, than to the caprice or judgment of an officer of the Bureau, who it is possible may be entirely ignorant of the principles that underlie the just administration of the law. There is danger, too, that conflict of jurisdiction will frequently arise between the civil courts and these military tribunals, each having concurrent jurisdiction over the person and the cause of action--the one judicature administered and controlled by civil law, the other by the military. How is the conflict to be settled, and who is to determine between the two tribunals when it arises? In my opinion, it is wise to guard against such conflict by leaving to the courts and juries the protection of all civil rights and the redress of all civil grievances.

The fact can not be denied that since the actual cessation of hostilities many acts of violence, such, perhaps, as had never been witnessed in their previous history, have occurred in the States involved in the recent rebellion. I believe, however, that public sentiment will sustain me in the assertion that such deeds of wrong are not confined to any particular State or section, but are manifested over the entire country, demonstrating that the cause that produced them does not depend upon any particular locality, but is the result of the agitation and derangement incident to a long and bloody civil war. While the prevalence of such disorders must be greatly deplored, their occasional and temporary occurrence would seem to furnish no necessity for the extension of the Bureau beyond the period fixed in the original act.

Besides the objections which I have thus briefly stated, I may urge upon your consideration the additional reason that recent developments in regard to the practical operations of the Bureau in many of the States show that in numerous instances it is used by its agents as a means of promoting their individual advantage, and that the freedmen are employed for the advancement of the personal ends of the officers instead of their own improvement and welfare, thus confirming the fears originally entertained by many that the continuation of such a Bureau for any unnecessary length of time would inevitably result in fraud, corruption, and oppression. It is proper to state that in cases of this character investigations have been promptly ordered, and the offender punished whenever his guilt has been satisfactorily established.

As another reason against the necessity of the legislation contemplated by this measure, reference may be had to the "civil-rights bill," now a law of the land, and which will be faithfully executed so long as it shall remain unrepealed and may not be declared unconstitutional by courts of competent jurisdiction. By that act it is enacted—

> That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States;

and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding.

By the provisions of the act full protection is afforded through the district courts of the United States to all persons injured, and whose privileges, as thus declared, are in any way impaired; and heavy penalties are denounced against the person who willfully violates the law. I need not state that that law did not receive my approval; yet its remedies are far more preferable than those proposed in the present bill—the one being civil and the other military.

By the sixth section of the bill herewith returned certain proceedings by which the lands in the "parishes of St. Helena and St. Luke, South Carolina," were sold and bid in, and afterwards disposed of by the tax commissioners, are ratified and confirmed. By the seventh, eighth, ninth, tenth, and eleventh sections provisions by law are made for the disposal of the lands thus acquired to a particular class of citizens. While the quieting of titles is deemed very important and desirable, the discrimination made in the bill seems objectionable, as does also the attempt to confer upon the commissioners judicial powers by which citizens of the United States are to be deprived of their property in a mode contrary to that provision of the Constitution which declares that no person shall "be deprived of life, liberty, or property without due process of law." As a general principle, such legislation is unsafe, unwise, partial, and unconstitutional. It may deprive persons of their property who are equally deserving objects of the nation's bounty as those whom by this legislation Congress seeks to benefit. The title to the land thus to be portioned out to a favored class of citizens must depend upon the regularity of the tax sales under the law as it existed at the time of the sale, and no subsequent legislation can give validity to the right thus acquired as against the original claimants. The attention of Congress is therefore invited to a more mature consideration of the measures proposed in these sections of the bill.

In conclusion I again urge upon Congress the danger of class legislation, so well calculated to keep the public mind in a state of uncertain expectation, disquiet, and restlessness and to encourage interested hopes and fears that the National Government will continue to furnish to classes of citizens in the several States means for support and maintenance regardless of whether they pursue a life of indolence or of labor, and regardless also of the constitutional limitations of the national authority in times of peace and tranquillity.

The bill is herewith returned to the House of Representatives, in which it originated, for its final action.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 28, 1866.*

To the House of Representatives:

I herewith return, without my approval, the bill entitled "An act erecting the Territory of Montana into a surveying district, and for other purposes."

The bill contains four sections, the first of which erects the Territory into a surveying district and authorizes the appointment of a surveyor-general; the second constitutes the Territory a land district; the third authorizes the appointment of a register and receiver for said district; and the fourth requires the surveyor-general to—

select and survey eighteen alternate odd sections of nonmineral timber lands within said district for the New York and Montana Iron Mining and Manufacturing Company, incorporated under the laws of the State of New York, which lands the said company shall have immediate possession of on the payment of $1.25 per acre, and shall have a patent for the same whenever, within two years after their selection, they shall have furnished evidence satisfactory to the Secretary of the Interior that they have erected and have in operation on the said lands iron works with a capacity for manufacturing 1,500 tons of iron per annum: *Provided*, That the said lands shall revert to the United States in case the above-mentioned iron works be not erected within the specified time: *And provided*, That until the title to the said lands shall have been perfected the timber shall not be cut off from more than one section of the said lands.

To confer the special privileges specified in this fourth section appears to be the chief object of the bill, the provisions of which are subject to some of the most important objections that induced me to return to the Senate with my disapproval the bill entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market." That bill authorized the same corporation to select and survey in the Territory of Montana, in square form, twenty-one sections of land, three of which might contain coal and iron ore, for which the minimum rate of $1.25 per acre was to be paid. The present bill omits these sections of mineral lands, and directs the surveyor-general to select and survey the timber lands; but it contains the objectionable feature of granting to a private mining and manufacturing corporation exclusive rights and privileges in the public domain which are by law denied to individuals. The first choice of timber land in the Territory is bestowed upon a corporation foreign to the Territory and over which Congress has no control. The surveyor-general of the district, a public officer who should have no connection with any purchase of public land, is made the agent of the corporation to select the land, the selections to be made in the absence of all competition; and over 11,000 acres are bestowed at the lowest price of public lands. It is by

no means certain that the substitution of alternate sections for the compact body of lands contemplated by the other bill is any less injurious to the public interest, for alternate sections stripped of timber are not likely to enhance the value of those reserved by the Government. Be this as it may, this bill bestows a large monopoly of public lands without adequate consideration; confers a right and privilege in quantity equivalent to seventy-two preemption rights; introduces a dangerous system of privileges to private trading corporations; and is an unjust discrimination in favor of traders and speculators against individual settlers and pioneers who are seeking homes and improving our Western Territories. Such a departure from the long-established, wise, and just policy which has heretofore governed the disposition of the public funds [lands] can not receive my sanction. The objections enumerated apply to the fourth section of the bill. The first, second, and third sections, providing for the appointment of a surveyor-general, register, and receiver, are unobjectionable if any necessity requires the creation of these offices and the additional expenses of a new surveying land district. But they appear in this instance to be only needed as a part of the machinery to enable the "New York and Montana Iron Mining and Manufacturing Company" to secure these privileges; for I am informed by the proper Department, in a communication hereto annexed, that there is no public necessity for a surveyor-general, register, or receiver in Montana Territory, since it forms part of an existing surveying and land district, wherein the public business is, under present laws, transacted with adequate facility, so that the provisions of the first, second, and third sections would occasion needless expense to the General Government.

ANDREW JOHNSON.

PROCLAMATIONS.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 13th day of October, 1864, having been issued to Esteban Rogers, recognizing him as consul *ad interim* of the Republic of Chile for the port of New York and its dependencies and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Chile and the United States; but as it is deemed advisable that the said Esteban Rogers should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said

Esteban Rogers as consul *ad interim* of the Republic of Chile for the port of New York and its dependencies and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, this 12th day of February, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 7th day of October, 1864, having been issued to Claudius Edward Habicht, recognizing him as consul of Sweden and Norway at New York and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Sweden and Norway and the United States; but as it is deemed advisable that the said Claudius Edward Habicht should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said Claudius Edward Habicht as consul of Sweden and Norway at New York and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, the 26th day of March, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 1st day of July, 1865, having been issued to S. M. Svenson, recognizing him as vice-consul of Sweden and Norway at New Orleans and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to vice-consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Sweden and Norway and the United States; but as it is deemed advisable that the said S. M. Svenson should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said S. M. Svenson as vice-consul of Sweden and Norway at New Orleans and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, the 26th day of March, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by proclamations of the 15th and 19th of April, 1861, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law; and

Whereas by another proclamation, made on the 16th day of August, in the same year, in pursuance of an act of Congress approved July 13, 1861, the inhabitants of the States of Georgia, South Carolina, Virginia,

North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains and of such other parts of that State and the other States before named as might maintain a loyal adhesion to the Union and the Constitution or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States; and

Whereas by another proclamation, of the 1st day of July, 1862, issued in pursuance of an act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

Whereas by another proclamation, made on the 2d day of April, 1863, in pursuance of the act of Congress of July 13, 1861, the exceptions named in the proclamation of August 16, 1861, were revoked and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia and the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States; and

Whereas the House of Representatives, on the 22d day of July, 1861, adopted a resolution in the words following, namely:

Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

And whereas the Senate of the United States, on the 25th day of July, 1861, adopted a resolution in the words following, to wit:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas these resolutions, though not joint or concurrent in form, are substantially identical, and as such may be regarded as having expressed the sense of Congress upon the subject to which they relate; and

Whereas by my proclamation of the 13th day of June last the insurrection in the State of Tennessee was declared to have been suppressed, the authority of the United States therein to be undisputed, and such United States officers as had been duly commissioned to be in the undisturbed exercise of their official functions; and

Whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas, in view of the before-recited premises, it is the manifest determination of the American people that no State of its own will has the right or the power to go out of, or separate itself from, or be separated from, the American Union, and that therefore each State ought to remain and constitute an integral part of the United States; and

Whereas the people of the several before-mentioned States have, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

Whereas it is believed to be a fundamental principle of government that people who have revolted and who have been overcome and subdued must either be dealt with so as to induce them voluntarily to become friends or else they must be held by absolute military power or devastated so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom; and

Whereas the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates; and

Whereas such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united; and

Whereas the observance of political equality, as a principle of right and justice, is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance; and

Whereas standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus*

are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion; and

Whereas the policy of the Government of the United States from the beginning of the insurrection to its overthrow and final suppression has been in conformity with the principles herein set forth and enumerated:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida is at an end and is henceforth to be so regarded.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of April, A. D. 1866, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas the exequatur of Claudius Edward Habicht, recognizing him as consul of Sweden and Norway at New York, and that of S. M. Svenson as vice-consul of Sweden and Norway at New Orleans were formally revoked on the 26th day of March last; and

Whereas representations have been made to me since that date which have effectually relieved those gentlemen from the charges of unlawful and unfriendly conduct heretofore entertained against them:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do hereby annul the revocation of the exequaturs of the said Claudius Edward Habicht and S. M. Svenson and restore to them the right to exercise the functions and privileges heretofore granted as consular officers of the Government of Sweden and Norway.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of May, A. D. 1866, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot and have provided and prepared, and are still engaged in providing and preparing, means for a military expedition and enterprise, which expedition and enterprise is to be carried on from the territory and jurisdiction of the United States against colonies, districts, and people of British North America, within the dominions of the United Kingdom of Great Britain and Ireland, with which said colonies, districts, and people and Kingdom the United States are at peace; and

Whereas the proceedings aforesaid constitute a high misdemeanor, forbidden by the laws of the United States as well as by the law of nations:

Now, therefore, for the purpose of preventing the carrying on of the unlawful expedition and enterprise aforesaid from the territory and jurisdiction of the United States and to maintain the public peace as well as the national honor and enforce obedience and respect to the laws of the United States, I, Andrew Johnson, President of the United States, do admonish and warn all good citizens of the United States against taking part in or in any wise aiding, countenancing, or abetting said unlawful proceedings; and I do exhort all judges, magistrates, marshals, and officers in the service of the United States to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings and to arrest and bring to justice all persons who may be engaged therein.

And, pursuant to the act of Congress in such case made and provided, I do furthermore authorize and empower Major-General George G. Meade, commander of the Military Division of the Atlantic, to employ the land and naval forces of the United States and the militia thereof to arrest and prevent the setting on foot and carrying on the expedition and enterprise aforesaid.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 6th day of June, A. D. 1866, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a war is existing in the Republic of Mexico, aggravated by foreign military intervention; and

Whereas the United States, in accordance with their settled habits and

policy, are a neutral power in regard to the war which thus afflicts the Republic of Mexico; and

Whereas it has become known that one of the belligerents in the said war, namely, the Prince Maximilian, who asserts himself to be Emperor in Mexico, has issued a decree in regard to the port of Matamoras and other Mexican ports which are in the occupation and possession of another of the said belligerents, namely, the United States of Mexico, which decree is in the following words:

The port of Matamoras and all those of the northern frontier which have withdrawn from their obedience to the Government are closed to foreign and coasting traffic during such time as the empire of the law shall not be therein reinstated.

ART. 2. Merchandise proceeding from the said ports, on arriving at any other where the excise of the Empire is collected, shall pay the duties on importation, introduction, and consumption, and, on satisfactory proof of contravention, shall be irremissibly confiscated. Our minister of the treasury is charged with the punctual execution of this decree.

Given at Mexico, the 9th of July, 1866.

And whereas the decree thus recited, by declaring a belligerent blockade unsupported by competent military or naval force, is in violation of the neutral rights of the United States as defined by the law of nations as well as of the treaties existing between the United States of America and the aforesaid United States of Mexico:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the aforesaid decree is held and will be held by the United States to be absolutely null and void as against the Government and citizens of the United States, and that any attempt which shall be made to enforce the same against the Government or the citizens of the United States will be disallowed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 17th day of August, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by proclamations of the 15th and 19th of April, 1861, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas by combinations too powerful to be suppressed by the ordinary

course of judicial proceedings or by the powers vested in the marshals by law; and

Whereas by another proclamation, made on the 16th day of August, in the same year, in pursuance of an act of Congress approved July 13, 1861, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and except also the inhabitants of such other parts of that State and the other States before named as might maintain a loyal adhesion to the Union and the Constitution or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of insurgents) were declared to be in a state of insurrection against the United States; and

Whereas by another proclamation, of the 1st day of July, 1862, issued in pursuance of an act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

Whereas by another proclamation, made on the 2d day of April, 1863, in pursuance of the act of Congress of July 13, 1861, the exceptions named in the proclamation of August 16, 1861, were revoked and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia and the ports of New Orleans, Key West, Port Royal, and Beaufort, in North Carolina) were declared to be still in a state of insurrection against the United States; and

Whereas by another proclamation, of the 15th day of September, 1863, made in pursuance of the act of Congress approved March 3, 1863, the rebellion was declared to be still existing and the privilege of the writ of *habeas corpus* was in certain specified cases suspended throughout the United States, said suspension to continue throughout the duration of the rebellion or until said proclamation should, by a subsequent one to be issued by the President of the United States, be modified or revoked; and

Whereas the House of Representatives, on the 22d day of July, 1861, adopted a resolution in the words following, namely:

Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease.

And whereas the Senate of the United States, on the 25th day of July, 1861, adopted a resolution in the words following, to wit:

Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional Government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.

And whereas these resolutions, though not joint or concurrent in form, are substantially identical, and as such have hitherto been and yet are regarded as having expressed the sense of Congress upon the subject to which they relate; and

Whereas the President of the United States, by proclamation of the 13th of June, 1865, declared that the insurrection in the State of Tennessee had been suppressed, and that the authority of the United States therein was undisputed, and that such United States officers as had been duly commissioned were in the undisturbed exercise of their official functions; and

Whereas the President of the United States, by further proclamation, issued on the 2d day of April, 1866, did promulgate and declare that there no longer existed any armed resistance of misguided citizens or others to the authority of the United States in any or in all the States before mentioned, excepting only the State of Texas, and did further promulgate and declare that the laws could be sustained and enforced in the several States before mentioned, except Texas, by the proper civil authorities, State or Federal, and that the people of the said States, except Texas, are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

And did further declare in the same proclamation that it is the manifest determination of the American people that no State, of its own will, has a right or power to go out of, or separate itself from, or be separated from, the American Union; and that, therefore, each State ought to remain and constitute an integral part of the United States;

And did further declare in the same last-mentioned proclamation that the several aforementioned States, excepting Texas, had in the manner aforesaid given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

Whereas the President of the United States in the same proclamation did further declare that it is believed to be a fundamental principle of

government that the people who have revolted and who have been overcome and subdued must either be dealt with so as to induce them voluntarily to become friends or else they must be held by absolute military power or devastated so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom; and

Whereas the President did in the same proclamation further declare that the Constitution of the United States provides for constituent communities only as States, and not as Territories, dependencies, provinces, or protectorates;

And further, that such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united;

And did further declare that the observance of political equality, as a principle of right and justice, is well calculated to encourage the people of the before-named States, except Texas, to be and to become more and more constant and persevering in their renewed allegiance; and

Whereas the President did further declare that standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of *habeas corpus* are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion;

And the President did further, in the same proclamation, declare that the policy of the Government of the United States from the beginning of the insurrection to its overthrow and final suppression had been conducted in conformity with the principles in the last-named proclamation recited; and

Whereas the President, in the said proclamation of the 13th of June, 1865, upon the grounds therein stated and hereinbefore recited, did then and thereby proclaim and declare that the insurrection which heretofore existed in the several States before named, except in Texas, was at an end and was henceforth to be so regarded; and

Whereas subsequently to the said 2d day of April, 1866, the insurrection in the State of Texas has been completely and everywhere suppressed and ended and the authority of the United States has been successfully and completely established in the said State of Texas and now remains therein unresisted and undisputed, and such of the proper United States officers as have been duly commissioned within the limits of the said State are now in the undisturbed exercise of their official functions; and

Whereas the laws can now be sustained and enforced in the said State

of Texas by the proper civil authority, State or Federal, and the people of the said State of Texas, like the people of the other States before named, are well and loyally disposed and have conformed or will conform in their legislation to the condition of affairs growing out of the amendment of the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas all the reasons and conclusions set forth in regard to the several States therein specially named now apply equally and in all respects to the State of Texas, as well as to the other States which had been involved in insurrection; and

Whereas adequate provision has been made by military orders to enforce the execution of the acts of Congress, aid the civil authorities, and secure obedience to the Constitution and laws of the United States within the State of Texas if a resort to military force for such purpose should at any time become necessary:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the State of Texas is at an end and is to be henceforth so regarded in that State as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the 2d day of April, 1866.

And I do further proclaim that the said insurrection is at an end and that peace, order, tranquillity, and civil authority now exist in and throughout the whole of the United States of America.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of August, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Almighty God, our Heavenly Father, has been pleased to vouchsafe to us as a people another year of that national life which is an indispensable condition of peace, security, and progress. That year has, moreover, been crowned with many peculiar blessings.

The civil war that so recently closed among us has not been anywhere reopened; foreign intervention has ceased to excite alarm or apprehension; intrusive pestilence has been benignly mitigated; domestic tranquillity has improved, sentiments of conciliation have largely prevailed,

and affections of loyalty and patriotism have been widely renewed; our fields have yielded quite abundantly, our mining industry has been richly rewarded, and we have been allowed to extend our railroad system far into the interior recesses of the country, while our commerce has resumed its customary activity in foreign seas.

These great national blessings demand a national acknowledgment.

Now, therefore, I, Andrew Johnson, President of the United States, do hereby recommend that Thursday, the 29th day of November next, be set apart and be observed everywhere in the several States and Territories of the United States by the people thereof as a day of thanksgiving and praise to Almighty God, with due remembrance that "in His temple doth every man speak of His honor." I recommend also that on the same solemn occasion they do humbly and devoutly implore Him to grant to our national councils and to our whole people that divine wisdom which alone can lead any nation into the ways of all good.

In offering these national thanksgivings, praises, and supplications we have the divine assurance that "the Lord remaineth a king forever; them that are meek shall He guide in judgment and such as are gentle shall He learn His way; the Lord shall give strength to His people, and the Lord shall give to His people the blessing of peace."

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of October, A. D. 1866, and of the Independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

EXECUTIVE ORDERS.

[From the Daily National Intelligencer, April 9, 1866.]

EXECUTIVE MANSION, *April 7, 1866.*

It is eminently right and proper that the Government of the United States should give earnest and substantial evidence of its just appreciation of the services of the patriotic men who when the life of the nation was imperiled entered the Army and Navy to preserve the integrity of the Union, defend the Government, and maintain and perpetuate unimpaired its free institutions.

It is therefore directed—

First. That in appointments to office in the several Executive Departments of the General Government and the various branches of the public service connected with said Departments preference shall be given to

such meritorious and honorably discharged soldiers and sailors—particularly those who have been disabled by wounds received or diseases contracted in the line of duty—as may possess the proper qualifications.

Second. That in all promotions in said Departments and the several branches of the public service connected therewith such persons shall have preference, when equally eligible and qualified, over those who have not faithfully and honorably served in the land or naval forces of the United States.

ANDREW JOHNSON.

DEPARTMENT OF STATE,
Washington, April 13, 1866.

On the 14th of April, 1865, great affliction was brought upon the American people by the assassination of the lamented Abraham Lincoln, then President of the United States. The undersigned is therefore directed by the President to announce that in commemoration of that event the public offices will be closed to-morrow, the 14th instant.

WILLIAM H. SEWARD.

GENERAL ORDERS, No. 26.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 1, 1866.

ORDER IN RELATION TO TRIALS BY MILITARY COURTS AND COMMISSIONS.

Whereas some military commanders are embarrassed by doubts as to the operation of the proclamation of the President dated the 2d day of April, 1866, upon trials by military courts-martial and military officers; to remove such doubts—

It is ordered by the President, That hereafter, whenever offenses committed by civilians are to be tried where civil tribunals are in existence which can try them, their cases are not authorized to be, and will not be, brought before military courts-martial or commissions, but will be committed to the proper civil authorities. This order is not applicable to camp followers, as provided for under the sixtieth article of war, or to contractors and others specified in section 16, act of July 17, 1862, and sections 1 and 2, act of March 2, 1863. Persons and offenses cognizable by the Rules and Articles of War and by the acts of Congress above cited will continue to be tried and punished by military tribunals as prescribed by the Rules and Articles of War and acts of Congress hereinafter cited, to wit:

[Sixtieth of the Rules and Articles of War.]

60. All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

[Extract from "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July 17, 1862.]

SEC. 16. *And be it further enacted*, That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the Army or Navy of the United States, shall be found guilty by a court-martial of fraud or willful neglect of duty, he shall be punished by fine, imprisonment, or such other punishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the Army or Navy, *he* shall be deemed and taken as a part of the land or naval forces of the United States for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

[Extract from "An act to prevent and punish frauds upon the Government of the United States," approved March 2, 1863.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person in the land or naval forces of the United States, or in the militia in actual service of the United States in time of war, who shall make or cause to be made, or present or cause to be presented for payment or approval to or by any person or officer in the civil or military service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; any person in such forces or service who shall, for the purpose of obtaining or aiding in obtaining the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt, voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, knowing the same to contain any false or fraudulent statement or entry; any person in said forces or service who shall make or procure to be made, or knowingly advise the making of, any false oath to any fact, statement, or certificate, voucher or entry, for the purpose of obtaining or of aiding to obtain any approval or payment of any claim against the United States, or any department or officer thereof; any person in said forces or service who, for the purpose of obtaining or enabling any other person to obtain from the Government of the United States, or any department or officer thereof, any payment or allowance, or the approval or signature of any person in the military, naval, or civil service of the United States of or to any false, fraudulent, or fictitious claim, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any signature upon any bill, receipt, voucher, account, claim, roll, statement, affidavit, or deposition; and any person in said forces or service who shall utter or use the same as true or genuine, knowing the same to have been forged or counterfeited; any person in said forces or service who shall enter into any agreement, combination, or conspiracy to cheat or defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding and assisting to obtain the payment or allowance of any false or fraudulent claim; any person in said forces or service who shall steal, embezzle, or knowingly and willfully misappropriate or apply to his own use or benefit, or who shall wrongfully and knowingly sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service of the United States; any contractor, agent, paymaster, quartermaster, or other person whatsoever in said forces or service having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service of the United States, who shall, with intent to defraud the United States, or willfully to conceal such money or other property, deliver or cause to be delivered to any other person having authority to receive the same any amount of such money or other public property less than that for which he shall receive a certificate or receipt; any person in said forces or service who is or shall be authorized to make or deliver any certificate, voucher, or

receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other public property so used or to be used, who shall make or deliver the same to any person without having full knowledge of the truth of the facts stated therein, and with intent to cheat, defraud, or injure the United States; any person in said forces or service who shall knowingly purchase or receive, in pledge for any obligation or indebtedness, from any soldier, officer, or other person called into or employed in said forces or service, any arms, equipments, ammunition, clothes, or military stores, or other public property, such soldier, officer, or other person not having the lawful right to pledge or sell the same, shall be deemed guilty of a criminal offense, and shall be subject to the rules and regulations made for the government of the military and naval forces of the United States, and of the militia when called into and employed in the actual service of the United States in time of war, and to the provisions of this act. And every person so offending may be arrested and held for trial by a court-martial, and if found guilty shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death.

SEC. 2. *And be it further enacted*, That any person heretofore called or hereafter to be called into or employed in such forces or service who shall commit any violation of this act, and shall afterwards receive his discharge or be dismissed from the service, shall, notwithstanding such discharge or dismissal, continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge or been dismissed.

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By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION, *May 29, 1866.*

The President with profound sorrow announces to the people of the United States the death of Winfield Scott, the late Lieutenant-General of the Army. On the day which may be appointed for his funeral the several Executive Departments of the Government will be closed.

The heads of the War and Navy Departments will respectively give orders for paying appropriate honors to the memory of the deceased.

ANDREW JOHNSON.

[From the Daily National Intelligencer, June 6, 1866.]

ATTORNEY-GENERAL'S OFFICE,
Washington, D. C., June 5, 1866.

By direction of the President, you* are hereby instructed to cause the arrest of all prominent, leading, or conspicuous persons called "Fenians" who you may have probable cause to believe have been or may be guilty of violations of the neutrality laws of the United States.

JAMES SPEED,
Attorney-General.

*Addressed to district attorneys and marshals of the United States.

DEPARTMENT OF STATE,
Washington, June 18, 1866.

The President directs the undersigned to perform the painful duty of announcing to the people of the United States that Lewis Cass, distinguished not more by faithful service in varied public trusts than by exalted patriotism at a recent period of political disorder, departed this life at 4 o'clock yesterday morning. The several Executive Departments of the Government will cause appropriate honors to be rendered to the memory of the deceased at home and abroad wherever the national name and authority are acknowledged.

WILLIAM H. SEWARD.

EXECUTIVE MANSION,
Washington, D. C., October 26, 1866.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: Recent advices indicate an early evacuation of Mexico by the French expeditionary forces and that the time has arrived when our minister to Mexico should place himself in communication with that Republic.

In furtherance of the objects of his mission and as evidence of the earnest desire felt by the United States for the proper adjustment of the questions involved, I deem it of great importance that General Grant should by his presence and advice cooperate with our minister.

I have therefore to ask that you will request General Grant to proceed to some point on our Mexican frontier most suitable and convenient for communication with our minister, or (if General Grant deems it best) to accompany him to his destination in Mexico, and to give him the aid of his advice in carrying out the instructions of the Secretary of State, a copy of which is herewith sent for the General's information.

General Grant will make report to the Secretary of War of such matters as, in his discretion, ought to be communicated to the Department.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., October 30, 1866.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: General Ulysses S. Grant having found it inconvenient to assume the duties specified in my letter to you of the 26th instant, you will please relieve him from the same and assign them in all respects to William T. Sherman, Lieutenant-General of the Army of the United States. By way of guiding General Sherman in the performance of his duties, you will furnish him with a copy of your special orders to General Grant, made in compliance with my letter of the 26th instant, together with a copy

of the instructions of the Secretary of State to Lewis D. Campbell, esq., therein mentioned. The Lieutenant-General will proceed to the execution of his duties without delay.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., November 1, 1866.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: In the report of General Grant of the 27th ultimo, inclosed in your communication of that date, reference is made to the force at present stationed in the Military Department of Washington (which embraces the District of Columbia, the counties of Alexander and Fairfax, Va., and the States of Maryland and Delaware), and it is stated that the entire number of troops comprised in the command is 2,224, of which only 1,550 are enumerated as "effective." In view of the prevalence in various portions of the country of a revolutionary and turbulent disposition, which might at any moment assume insurrectionary proportions and lead to serious disorders, and of the duty of the Government to be at all times prepared to act with decision and effect, this force is not deemed adequate for the protection and security of the seat of Government.

I therefore request that you will at once take such measures as will insure its safety, and thus discourage any attempt for its possession by insurgent or other illegal combinations.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., November 2, 1866.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: There is ground to apprehend danger of an insurrection in Baltimore against the constituted authorities of the State of Maryland on or about the day of the election soon to be held in that city, and that in such contingency the aid of the United States might be invoked under the acts of Congress which pertain to that subject. While I am averse to any military demonstration that would have a tendency to interfere with the free exercise of the elective franchise in Baltimore or be construed into any interference in local questions, I feel great solicitude that should an insurrection take place the Government should be prepared to meet and promptly put it down. I accordingly desire you to call General Grant's attention to the subject, leaving to his own discretion and judgment the measures of preparation and precaution that should be adopted.

Very respectfully, yours,

ANDREW JOHNSON.

SECOND ANNUAL MESSAGE.

WASHINGTON, *December 3, 1866.*

Fellow-Citizens of the Senate and House of Representatives:

After a brief interval the Congress of the United States resumes its annual legislative labors. An all-wise and merciful Providence has abated the pestilence which visited our shores, leaving its calamitous traces upon some portions of our country. Peace, order, tranquillity, and civil authority have been formally declared to exist throughout the whole of the United States. In all of the States civil authority has superseded the coercion of arms, and the people, by their voluntary action, are maintaining their governments in full activity and complete operation. The enforcement of the laws is no longer "obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings," and the animosities engendered by the war are rapidly yielding to the beneficent influences of our free institutions and to the kindly effects of unrestricted social and commercial intercourse. An entire restoration of fraternal feeling must be the earnest wish of every patriotic heart; and we will have accomplished our grandest national achievement when, forgetting the sad events of the past and remembering only their instructive lessons, we resume our onward career as a free, prosperous, and united people.

In my message of the 4th of December, 1865, Congress was informed of the measures which had been instituted by the Executive with a view to the gradual restoration of the States in which the insurrection occurred to their relations with the General Government. Provisional governors had been appointed, conventions called, governors elected, legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. Courts had been opened for the enforcement of laws long in abeyance. The blockade had been removed, custom-houses reestablished, and the internal-revenue laws put in force, in order that the people might contribute to the national income. Postal operations had been renewed, and efforts were being made to restore them to their former condition of efficiency. The States themselves had been asked to take part in the high function of amending the Constitution, and of thus sanctioning the extinction of African slavery as one of the legitimate results of our internecine struggle.

Having progressed thus far, the executive department found that it had accomplished nearly all that was within the scope of its constitutional authority. One thing, however, yet remained to be done before the work of restoration could be completed, and that was the admission to Congress of loyal Senators and Representatives from the States whose people had rebelled against the lawful authority of the General Government. This

question devolved upon the respective Houses, which by the Constitution are made the judges of the elections, returns, and qualifications of their own members, and its consideration at once engaged the attention of Congress.

In the meantime the executive department—no other plan having been proposed by Congress—continued its efforts to perfect, as far as was practicable, the restoration of the proper relations between the citizens of the respective States, the States, and the Federal Government, extending from time to time, as the public interests seemed to require, the judicial, revenue, and postal systems of the country. With the advice and consent of the Senate, the necessary officers were appointed and appropriations made by Congress for the payment of their salaries. The proposition to amend the Federal Constitution, so as to prevent the existence of slavery within the United States or any place subject to their jurisdiction, was ratified by the requisite number of States, and on the 18th day of December, 1865, it was officially declared to have become valid as a part of the Constitution of the United States. All of the States in which the insurrection had existed promptly amended their constitutions so as to make them conform to the great change thus effected in the organic law of the land; declared null and void all ordinances and laws of secession; repudiated all pretended debts and obligations created for the revolutionary purposes of the insurrection, and proceeded in good faith to the enactment of measures for the protection and amelioration of the condition of the colored race. Congress, however, yet hesitated to admit any of these States to representation, and it was not until toward the close of the eighth month of the session that an exception was made in favor of Tennessee by the admission of her Senators and Representatives.

I deem it a subject of profound regret that Congress has thus far failed to admit to seats loyal Senators and Representatives from the other States whose inhabitants, with those of Tennessee, had engaged in the rebellion. Ten States—more than one-fourth of the whole number—remain without representation; the seats of fifty members in the House of Representatives and of twenty members in the Senate are yet vacant, not by their own consent, not by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much toward the renewal and strengthening of our relations as one people and removed serious cause for discontent on the part of the inhabitants of those States. It would have accorded with the great principle enunciated in the Declaration of American Independence that no people ought to bear the burden of taxation and yet be denied the right of representation. It would have been in consonance with the express provisions of the Constitution that "each State shall have at least one Representative" and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." These provisions were intended to secure to every State and to the people of every

State the right of representation in each House of Congress; and so important was it deemed by the framers of the Constitution that the equality of the States in the Senate should be preserved that not even by an amendment of the Constitution can any State, without its consent, be denied a voice in that branch of the National Legislature.

It is true it has been assumed that the existence of the States was terminated by the rebellious acts of their inhabitants, and that, the insurrection having been suppressed, they were thenceforward to be considered merely as conquered territories. The legislative, executive, and judicial departments of the Government have, however, with great distinctness and uniform consistency, refused to sanction an assumption so incompatible with the nature of our republican system and with the professed objects of the war. Throughout the recent legislation of Congress the undeniable fact makes itself apparent that these ten political communities are nothing less than States of this Union. At the very commencement of the rebellion each House declared, with a unanimity as remarkable as it was significant, that the war was not "waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects" were "accomplished the war ought to cease." In some instances Senators were permitted to continue their legislative functions, while in other instances Representatives were elected and admitted to seats after their States had formally declared their right to withdraw from the Union and were endeavoring to maintain that right by force of arms. All of the States whose people were in insurrection, as States, were included in the apportionment of the direct tax of $20,000,000 annually laid upon the United States by the act approved 5th August, 1861. Congress, by the act of March 4, 1862, and by the apportionment of representation thereunder also recognized their presence as States in the Union; and they have, for judicial purposes, been divided into districts, as States alone can be divided. The same recognition appears in the recent legislation in reference to Tennessee, which evidently rests upon the fact that the functions of the State were not destroyed by the rebellion, but merely suspended; and that principle is of course applicable to those States which, like Tennessee, attempted to renounce their places in the Union.

The action of the executive department of the Government upon this subject has been equally definite and uniform, and the purpose of the war was specifically stated in the proclamation issued by my predecessor on the 22d day of September, 1862. It was then solemnly proclaimed and declared "that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the

United States and each of the States and the people thereof in which States that relation is or may be suspended or disturbed."

The recognition of the States by the judicial department of the Government has also been clear and conclusive in all proceedings affecting them as States had in the Supreme, circuit, and district courts.

In the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union. Upon this question, so vitally affecting the restoration of the Union and the permanency of our present form of government, my convictions, heretofore expressed, have undergone no change, but, on the contrary, their correctness has been confirmed by reflection and time. If the admission of loyal members to seats in the respective Houses of Congress was wise and expedient a year ago, it is no less wise and expedient now. If this anomalous condition is right now—if in the exact condition of these States at the present time it is lawful to exclude them from representation—I do not see that the question will be changed by the efflux of time. Ten years hence, if these States remain as they are, the right of representation will be no stronger, the right of exclusion will be no weaker.

The Constitution of the United States makes it the duty of the President to recommend to the consideration of Congress "such measures as he shall judge necessary and expedient." I know of no measure more imperatively demanded by every consideration of national interest, sound policy, and equal justice than the admission of loyal members from the now unrepresented States. This would consummate the work of restoration and exert a most salutary influence in the reestablishment of peace, harmony, and fraternal feeling. It would tend greatly to renew the confidence of the American people in the vigor and stability of their institutions. It would bind us more closely together as a nation and enable

us to show to the world the inherent and recuperative power of a government founded upon the will of the people and established upon the principles of liberty, justice, and intelligence. Our increased strength and enhanced prosperity would irrefragably demonstrate the fallacy of the arguments against free institutions drawn from our recent national disorders by the enemies of republican government. The admission of loyal members from the States now excluded from Congress, by allaying doubt and apprehension, would turn capital now awaiting an opportunity for investment into the channels of trade and industry. It would alleviate the present troubled condition of those States, and by inducing emigration aid in the settlement of fertile regions now uncultivated and lead to an increased production of those staples which have added so greatly to the wealth of the nation and commerce of the world. New fields of enterprise would be opened to our progressive people, and soon the devastations of war would be repaired and all traces of our domestic differences effaced from the minds of our countrymen.

In our efforts to preserve "the unity of government which constitutes us one people" by restoring the States to the condition which they held prior to the rebellion, we should be cautious, lest, having rescued our nation from perils of threatened disintegration, we resort to consolidation, and in the end absolute despotism, as a remedy for the recurrence of similar troubles. The war having terminated, and with it all occasion for the exercise of powers of doubtful constitutionality, we should hasten to bring legislation within the boundaries prescribed by the Constitution and to return to the ancient landmarks established by our fathers for the guidance of succeeding generations.

> The constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. * * * If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates; but let there be no change by usurpation, for * * * it is the customary weapon by which free governments are destroyed.

Washington spoke these words to his countrymen when, followed by their love and gratitude, he voluntarily retired from the cares of public life. "To keep in all things within the pale of our constitutional powers and cherish the Federal Union as the only rock of safety" were prescribed by Jefferson as rules of action to endear to his "countrymen the true principles of their Constitution and promote a union of sentiment and action, equally auspicious to their happiness and safety." Jackson held that the action of the General Government should always be strictly confined to the sphere of its appropriate duties, and justly and forcibly urged that our Government is not to be maintained nor our Union preserved "by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as

possible to themselves; in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper constitutional orbit." These are the teachings of men whose deeds and services have made them illustrious, and who, long since withdrawn from the scenes of life, have left to their country the rich legacy of their example, their wisdom, and their patriotism. Drawing fresh inspiration from their lessons, let us emulate them in love of country and respect for the Constitution and the laws.

The report of the Secretary of the Treasury affords much information respecting the revenue and commerce of the country. His views upon the currency and with reference to a proper adjustment of our revenue system, internal as well as impost, are commended to the careful consideration of Congress. In my last annual message I expressed my general views upon these subjects. I need now only call attention to the necessity of carrying into every department of the Government a system of rigid accountability, thorough retrenchment, and wise economy. With no exceptional nor unusual expenditures, the oppressive burdens of taxation can be lessened by such a modification of our revenue laws as will be consistent with the public faith and the legitimate and necessary wants of the Government.

The report presents a much more satisfactory condition of our finances than one year ago the most sanguine could have anticipated. During the fiscal year ending the 30th June, 1865 (the last year of the war), the public debt was increased $941,902,537, and on the 31st of October, 1865, it amounted to $2,740,854,750. On the 31st day of October, 1866, it had been reduced to $2,551,310,006, the diminution during a period of fourteen months, commencing September 1, 1865, and ending October 31, 1866, having been $206,379,565. In the last annual report on the state of the finances it was estimated that during the three quarters of the fiscal year ending the 30th of June last the debt would be increased $112,194,947. During that period, however, it was reduced $31,196,387, the receipts of the year having been $89,905,905 more and the expenditures $200,529,235 less than the estimates. Nothing could more clearly indicate than these statements the extent and availability of the national resources and the rapidity and safety with which, under our form of government, great military and naval establishments can be disbanded and expenses reduced from a war to a peace footing.

During the fiscal year ending June 30, 1866, the receipts were $558,032,620 and the expenditures $520,750,940, leaving an available surplus of $37,281,680. It is estimated that the receipts for the fiscal year ending the 30th June, 1867, will be $475,061,386, and that the expenditures will reach the sum of $316,428,078, leaving in the Treasury a surplus of $158,633,308. For the fiscal year ending June 30, 1886, it is estimated that the receipts will amount to $436,000,000 and that the expendi-

tures will be $350,247,641, showing an excess of $85,752,359 in favor of the Government. These estimated receipts may be diminished by a reduction of excise and import duties, but after all necessary reductions shall have been made the revenue of the present and of following years will doubtless be sufficient to cover all legitimate charges upon the Treasury and leave a large annual surplus to be applied to the payment of the principal of the debt. There seems now to be no good reason why taxes may not be reduced as the country advances in population and wealth, and yet the debt be extinguished within the next quarter of a century.

The report of the Secretary of War furnishes valuable and important information in reference to the operations of his Department during the past year. Few volunteers now remain in the service, and they are being discharged as rapidly as they can be replaced by regular troops. The Army has been promptly paid, carefully provided with medical treatment, well sheltered and subsisted, and is to be furnished with breech-loading small arms. The military strength of the nation has been unimpaired by the discharge of volunteers, the disposition of unserviceable or perishable stores, and the retrenchment of expenditure. Sufficient war material to meet any emergency has been retained, and from the disbanded volunteers standing ready to respond to the national call large armies can be rapidly organized, equipped, and concentrated. Fortifications on the coast and frontier have received or are being prepared for more powerful armaments; lake surveys and harbor and river improvements are in course of energetic prosecution. Preparations have been made for the payment of the additional bounties authorized during the recent session of Congress, under such regulations as will protect the Government from fraud and secure to the honorably discharged soldier the well-earned reward of his faithfulness and gallantry. More than 6,000 maimed soldiers have received artificial limbs or other surgical apparatus, and 41 national cemeteries, containing the remains of 104,526 Union soldiers, have already been established. The total estimate of military appropriations is $25,205,669.

It is stated in the report of the Secretary of the Navy that the naval force at this time consists of 278 vessels, armed with 2,351 guns. Of these, 115 vessels, carrying 1,029 guns, are in commission, distributed chiefly among seven squadrons. The number of men in the service is 13,600. Great activity and vigilance have been displayed by all the squadrons, and their movements have been judiciously and efficiently arranged in such manner as would best promote American commerce and protect the rights and interests of our countrymen abroad. The vessels unemployed are undergoing repairs or are laid up until their services may be required. Most of the ironclad fleet is at League Island, in the vicinity of Philadelphia, a place which, until decisive action should be taken by Congress, was selected by the Secretary of the Navy as the most eligible location for that class of vessels. It is important

that a suitable public station should be provided for the ironclad fleet. It is intended that these vessels shall be in proper condition for any emergency, and it is desirable that the bill accepting League Island for naval purposes, which passed the House of Representatives at its last session, should receive final action at an early period, in order that there may be a suitable public station for this class of vessels, as well as a navy-yard of area sufficient for the wants of the service on the Delaware River. The naval pension fund amounts to $11,750,000, having been increased $2,750,000 during the year. The expenditures of the Department for the fiscal year ending 30th June last were $43,324,526, and the estimates for the coming year amount to $23,568,436. Attention is invited to the condition of our seamen and the importance of legislative measures for their relief and improvement. The suggestions in behalf of this deserving class of our fellow-citizens are earnestly recommended to the favorable attention of Congress.

The report of the Postmaster-General presents a most satisfactory condition of the postal service and submits recommendations which deserve the consideration of Congress. The revenues of the Department for the year ending June 30, 1866, were $14,386,986 and the expenditures $15,352,079, showing an excess of the latter of $965,093. In anticipation of this deficiency, however, a special appropriation was made by Congress in the act approved July 28, 1866. Including the standing appropriation of $700,000 for free mail matter as a legitimate portion of the revenues, yet remaining unexpended, the actual deficiency for the past year is only $265,093—a sum within $51,141 of the amount estimated in the annual report of 1864. The decrease of revenue compared with the previous year was 1⅕ per cent, and the increase of expenditures, owing principally to the enlargement of the mail service in the South, was 12 per cent. On the 30th of June last there were in operation 6,930 mail routes, with an aggregate length of 180,921 miles, an aggregate annual transportation of 71,837,914 miles, and an aggregate annual cost, including all expenditures, of $8,410,184. The length of railroad routes is 32,092 miles and the annual transportation 30,609,467 miles. The length of steamboat routes is 14,346 miles and the annual transportation 3,411,962 miles. The mail service is rapidly increasing throughout the whole country, and its steady extension in the Southern States indicates their constantly improving condition. The growing importance of the foreign service also merits attention. The post-office department of Great Britain and our own have agreed upon a preliminary basis for a new postal convention, which it is believed will prove eminently beneficial to the commercial interests of the United States, inasmuch as it contemplates a reduction of the international letter postage to one-half the existing rates; a reduction of postage with all other countries to and from which correspondence is transmitted in the British mail, or in closed mails through the United Kingdom; the establishment of uniform and reason-

BUILDING THE TRANSCONTINENTAL RAILROADS

JUNCTION OF THE CENTRAL AND UNION PACIFIC RAILROADS

THE TRANSCONTINENTAL RAILROADS

In 1853 Congress provided one million dollars for the purpose of surveying a route for the Pacific Railroad. When the surveys were completed the Civil War prevented any further action until 1861, when subsidies were granted in addition to twenty-five million acres of land along the route. The Central Pacific worked from California eastward, while the Union Pacific worked westward. The line was completed in 1869.

The articles entitled "Pacific Railroads" and "Subsidy" in the index (volume eleven) give the details, and following it are the citations of presidential references to the subject.

able charges for the sea and territorial transit of correspondence in closed mails; and an allowance to each post-office department of the right to use all mail communications established under the authority of the other for the dispatch of correspondence, either in open or closed mails, on the same terms as those applicable to the inhabitants of the country providing the means of transmission.

The report of the Secretary of the Interior exhibits the condition of those branches of the public service which are committed to his supervision. During the last fiscal year 4,629,312 acres of public land were disposed of, 1,892,516 acres of which were entered under the homestead act. The policy originally adopted relative to the public lands has undergone essential modifications. Immediate revenue, and not their rapid settlement, was the cardinal feature of our land system. Long experience and earnest discussion have resulted in the conviction that the early development of our agricultural resources and the diffusion of an energetic population over our vast territory are objects of far greater importance to the national growth and prosperity than the proceeds of the sale of the land to the highest bidder in open market. The preemption laws confer upon the pioneer who complies with the terms they impose the privilege of purchasing a limited portion of "unoffered lands" at the minimum price. The homestead enactments relieve the settler from the payment of purchase money, and secure him a permanent home upon the condition of residence for a term of years. This liberal policy invites emigration from the Old and from the more crowded portions of the New World. Its propitious results are undoubted, and will be more signally manifested when time shall have given to it a wider development.

Congress has made liberal grants of public land to corporations in aid of the construction of railroads and other internal improvements. Should this policy hereafter prevail, more stringent provisions will be required to secure a faithful application of the fund. The title to the lands should not pass, by patent or otherwise, but remain in the Government and subject to its control until some portion of the road has been actually built. Portions of them might then from time to time be conveyed to the corporation, but never in a greater ratio to the whole quantity embraced by the grant than the completed parts bear to the entire length of the projected improvement. This restriction would not operate to the prejudice of any undertaking conceived in good faith and executed with reasonable energy, as it is the settled practice to withdraw from market the lands falling within the operation of such grants, and thus to exclude the inception of a subsequent adverse right. A breach of the conditions which Congress may deem proper to impose should work a forfeiture of claim to the lands so withdrawn but unconveyed, and of title to the lands conveyed which remain unsold.

Operations on the several lines of the Pacific Railroad have been prosecuted with unexampled vigor and success. Should no unforeseen causes

of delay occur, it is confidently anticipated that this great thoroughfare will be completed before the expiration of the period designated by Congress.

During the last fiscal year the amount paid to pensioners, including the expenses of disbursement, was $13,459,996, and 50,177 names were added to the pension rolls. The entire number of pensioners June 30, 1866, was 126,722. This fact furnishes melancholy and striking proof of the sacrifices made to vindicate the constitutional authority of the Federal Government and to maintain inviolate the integrity of the Union They impose upon us corresponding obligations. It is estimated that $33,000,000 will be required to meet the exigencies of this branch of the service during the next fiscal year.

Treaties have been concluded with the Indians, who, enticed into armed opposition to our Government at the outbreak of the rebellion, have unconditionally submitted to our authority and manifested an earnest desire for a renewal of friendly relations.

During the year ending September 30, 1866, 8,716 patents for useful inventions and designs were issued, and at that date the balance in the Treasury to the credit of the patent fund was $228,297.

As a subject upon which depends an immense amount of the production and commerce of the country, I recommend to Congress such legislation as may be necessary for the preservation of the levees of the Mississippi River. It is a matter of national importance that early steps should be taken, not only to add to the efficiency of these barriers against destructive inundations, but for the removal of all obstructions to the free and safe navigation of that great channel of trade and commerce.

The District of Columbia under existing laws is not entitled to that representation in the national councils which from our earliest history has been uniformly accorded to each Territory established from time to time within our limits. It maintains peculiar relations to Congress, to whom the Constitution has granted the power of exercising exclusive legislation over the seat of Government. Our fellow-citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a Delegate of their choice should not be admitted to a seat in the House of Representatives. No mode seems so appropriate and effectual of enabling them to make known their peculiar condition and wants and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a Delegate, to be allowed the same rights and privileges as a Delegate representing a Territory. The increasing enterprise and rapid progress of improvement in the District are highly gratifying, and I trust that the efforts of the municipal authorities to promote the prosperity of the national metropolis will receive the efficient and generous cooperation of Congress.

The report of the Commissioner of Agriculture reviews the operations of his Department during the past year, and asks the aid of Congress in its efforts to encourage those States which, scourged by war, are now earnestly engaged in the reorganization of domestic industry.

It is a subject of congratulation that no foreign combinations against our domestic peace and safety or our legitimate influence among the nations have been formed or attempted. While sentiments of reconciliation, loyalty, and patriotism have increased at home, a more just consideration of our national character and rights has been manifested by foreign nations.

The entire success of the Atlantic telegraph between the coast of Ireland and the Province of Newfoundland is an achievement which has been justly celebrated in both hemispheres as the opening of an era in the progress of civilization. There is reason to expect that equal success will attend and even greater results follow the enterprise for connecting the two continents through the Pacific Ocean by the projected line of telegraph between Kamchatka and the Russian possessions in America.

The resolution of Congress protesting against pardons by foreign governments of persons convicted of infamous offenses on condition of emigration to our country has been communicated to the states with which we maintain intercourse, and the practice, so justly the subject of complaint on our part, has not been renewed.

The congratulations of Congress to the Emperor of Russia upon his escape from attempted assassination have been presented to that humane and enlightened ruler and received by him with expressions of grateful appreciation.

The Executive, warned of an attempt by Spanish American adventurers to induce the emigration of freedmen of the United States to a foreign country, protested against the project as one which, if consummated, would reduce them to a bondage even more oppressive than that from which they have just been relieved. Assurance has been received from the Government of the State in which the plan was matured that the proceeding will meet neither its encouragement nor approval. It is a question worthy of your consideration whether our laws upon this subject are adequate to the prevention or punishment of the crime thus meditated.

In the month of April last, as Congress is aware, a friendly arrangement was made between the Emperor of France and the President of the United States for the withdrawal from Mexico of the French expeditionary military forces. This withdrawal was to be effected in three detachments, the first of which, it was understood, would leave Mexico in November, now past, the second in March next, and the third and last in November, 1867. Immediately upon the completion of the evacuation the French Government was to assume the same attitude of nonintervention in regard to Mexico as is held by the Government of the United

States. Repeated assurances have been given by the Emperor since that agreement that he would complete the promised evacuation within the period mentioned, or sooner.

It was reasonably expected that the proceedings thus contemplated would produce a crisis of great political interest in the Republic of Mexico. The newly appointed minister of the United States, Mr. Campbell, was therefore sent forward on the 9th day of November last to assume his proper functions as minister plenipotentiary of the United States to that Republic. It was also thought expedient that he should be attended in the vicinity of Mexico by the Lieutenant-General of the Army of the United States, with the view of obtaining such information as might be important to determine the course to be pursued by the United States in reestablishing and maintaining necessary and proper intercourse with the Republic of Mexico. Deeply interested in the cause of liberty and humanity, it seemed an obvious duty on our part to exercise whatever influence we possessed for the restoration and permanent establishment in that country of a domestic and republican form of government.

Such was the condition of our affairs in regard to Mexico when, on the 22d of November last, official information was received from Paris that the Emperor of France had some time before decided not to withdraw a detachment of his forces in the month of November past, according to engagement, but that this decision was made with the purpose of withdrawing the whole of those forces in the ensuing spring. Of this determination, however, the United States had not received any notice or intimation, and so soon as the information was received by the Government care was taken to make known its dissent to the Emperor of France.

I can not forego the hope that France will reconsider the subject and adopt some resolution in regard to the evacuation of Mexico which will conform as nearly as practicable with the existing engagement, and thus meet the just expectations of the United States. The papers relating to the subject will be laid before you. It is believed that with the evacuation of Mexico by the expeditionary forces no subject for serious differences between France and the United States would remain. The expressions of the Emperor and people of France warrant a hope that the traditionary friendship between the two countries might in that case be renewed and permanently restored.

A claim of a citizen of the United States for indemnity for spoliations committed on the high seas by the French authorities in the exercise of a belligerent power against Mexico has been met by the Government of France with a proposition to defer settlement until a mutual convention for the adjustment of all claims of citizens and subjects of both countries arising out of the recent wars on this continent shall be agreed upon by the two countries. The suggestion is not deemed unreasonable, but it belongs to Congress to direct the manner in which claims for indem-

nity by foreigners as well as by citizens of the United States arising out of the late civil war shall be adjudicated and determined. I have no doubt that the subject of all such claims will engage your attention at a convenient and proper time.

It is a matter of regret that no considerable advance has been made toward an adjustment of the differences between the United States and Great Britain arising out of the depredations upon our national commerce and other trespasses committed during our civil war by British subjects, in violation of international law and treaty obligations. The delay, however, may be believed to have resulted in no small degree from the domestic situation of Great Britain. An entire change of ministry occurred in that country during the last session of Parliament. The attention of the new ministry was called to the subject at an early day, and there is some reason to expect that it will now be considered in a becoming and friendly spirit. The importance of an early disposition of the question can not be exaggerated. Whatever might be the wishes of the two Governments, it is manifest that good will and friendship between the two countries can not be established until a reciprocity in the practice of good faith and neutrality shall be restored between the respective nations.

On the 6th of June last, in violation of our neutrality laws, a military expedition and enterprise against the British North American colonies was projected and attempted to be carried on within the territory and jurisdiction of the United States. In obedience to the obligation imposed upon the Executive by the Constitution to see that the laws are faithfully executed, all citizens were warned by proclamation against taking part in or aiding such unlawful proceedings, and the proper civil, military, and naval officers were directed to take all necessary measures for the enforcement of the laws. The expedition failed, but it has not been without its painful consequences. Some of our citizens who, it was alleged, were engaged in the expedition were captured, and have been brought to trial as for a capital offense in the Province of Canada. Judgment and sentence of death have been pronounced against some, while others have been acquitted. Fully believing in the maxim of government that severity of civil punishment for misguided persons who have engaged in revolutionary attempts which have disastrously failed is unsound and unwise, such representations have been made to the British Government in behalf of the convicted persons as, being sustained by an enlightened and humane judgment, will, it is hoped, induce in their cases an exercise of clemency and a judicious amnesty to all who were engaged in the movement. Counsel has been employed by the Government to defend citizens of the United States on trial for capital offenses in Canada, and a discontinuance of the prosecutions which were instituted in the courts of the United States against those who took part in the expedition has been directed.

I have regarded the expedition as not only political in its nature, but as also in a great measure foreign from the United States in its causes, character, and objects. The attempt was understood to be made in sympathy with an insurgent party in Ireland, and by striking at a British Province on this continent was designed to aid in obtaining redress for political grievances which, it was assumed, the people of Ireland had suffered at the hands of the British Government during a period of several centuries. The persons engaged in it were chiefly natives of that country, some of whom had, while others had not, become citizens of the United States under our general laws of naturalization. Complaints of misgovernment in Ireland continually engage the attention of the British nation, and so great an agitation is now prevailing in Ireland that the British Government have deemed it necessary to suspend the writ of *habeas corpus* in that country. These circumstances must necessarily modify the opinion which we might otherwise have entertained in regard to an expedition expressly prohibited by our neutrality laws. So long as those laws remain upon our statute books they should be faithfully executed, and if they operate harshly, unjustly, or oppressively Congress alone can apply the remedy by their modification or repeal.

Political and commercial interests of the United States are not unlikely to be affected in some degree by events which are transpiring in the eastern regions of Europe, and the time seems to have come when our Government ought to have a proper diplomatic representation in Greece.

This Government has claimed for all persons not convicted or accused or suspected of crime an absolute political right of self-expatriation and a choice of new national allegiance. Most of the European States have dissented from this principle, and have claimed a right to hold such of their subjects as have emigrated to and been naturalized in the United States and afterwards returned on transient visits to their native countries to the performance of military service in like manner as resident subjects. Complaints arising from the claim in this respect made by foreign states have heretofore been matters of controversy between the United States and some of the European powers, and the irritation consequent upon the failure to settle this question increased during the war in which Prussia, Italy, and Austria were recently engaged. While Great Britain has never acknowledged the right of expatriation, she has not for some years past practically insisted upon the opposite doctrine. France has been equally forbearing, and Prussia has proposed a compromise, which, although evincing increased liberality, has not been accepted by the United States. Peace is now prevailing everywhere in Europe, and the present seems to be a favorable time for an assertion by Congress of the principle so long maintained by the executive department that naturalization by one state fully exempts the native-born subject of any other state from the performance of military service under any

foreign government, so long as he does not voluntarily renounce its rights and benefits.

In the performance of a duty imposed upon me by the Constitution I have thus submitted to the representatives of the States and of the people such information of our domestic and foreign affairs as the public interests seem to require. Our Government is now undergoing its most trying ordeal, and my earnest prayer is that the peril may be successfully and finally passed without impairing its original strength and symmetry. The interests of the nation are best to be promoted by the revival of fraternal relations, the complete obliteration of our past differences, and the reinauguration of all the pursuits of peace. Directing our efforts to the early accomplishment of these great ends, let us endeavor to preserve harmony between the coordinate departments of the Government, that each in its proper sphere may cordially cooperate with the other in securing the maintenance of the Constitution, the preservation of the Union, and the perpetuity of our free institutions.

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1866.*

To the House of Representatives:

In reply to a resolution of the House of Representatives of the 5th instant, inquiring if any portion of Mexican territory has been occupied by United States troops, I transmit the accompanying report upon the subject from the Secretary of War.

ANDREW JOHNSON.

WASHINGTON, *December 8, 1866.*

To the House of Representatives:

I have the honor to communicate a report of the Secretary of State relating to the discovery and arrest of John H. Surratt.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 11, 1866.*

To the House of Representatives:

I transmit herewith reports from the Secretary of War and the Attorney-General, in compliance with a resolution of the 3d instant, requesting the President to communicate to the House, "if not in his opinion incompatible with the public interests, the information asked for in a resolution of this House dated the 23d June last, and which resolution he has up to this time failed to answer, as to whether any application

has been made to him for the pardon of G. E. Pickett, who acted as a major-general of the rebel forces in the late war for the suppression of insurrection, and, if so, what has been the action thereon; and also to communicate copies of all papers, entries, indorsements, and other documentary evidence in relation to any proceeding in connection with such application; and that he also inform this House whether, since the adjournment at Raleigh, N. C., on the 30th of March last, of the last board or court of inquiry convened to investigate the facts attending the hanging of a number of United States soldiers for alleged desertion from the rebel army, any further measures have been taken to bring the said Pickett or other perpetrators of that crime to punishment."

In transmitting the accompanying papers containing the information requested by the House of Representatives it is proper to state that, instead of bearing date the 23d of June last, the first resolution was dated the 23d of July, and was received by the Executive only four days before the termination of the session.

ANDREW JOHNSON.

WASHINGTON, *December 14, 1866.*

To the Senate and House of Representatives:

I communicate a translation of a letter of the 17th of August last addressed to me by His Majesty Alexander, Emperor of Russia, in reply to the joint resolution of Congress approved on the 16th day of May, 1866, relating to the attempted assassination of the Emperor, a certified copy of which was, in compliance with the request of Congress, forwarded to His Majesty by the hands of Gustavus V. Fox, late Assistant Secretary of the Navy of the United States.

ANDREW JOHNSON.

WASHINGTON, *December 15, 1866.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, in answer to a resolution of the House of Representatives of the 10th instant, in relation to the Atchison and Pikes Peak Railroad Company.

ANDREW JOHNSON.

WASHINGTON, *December 20, 1866.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of December 4 last, requesting information "relating to the attempt of Santa Anna and Ortega to organize armed expeditions within the United States for the purpose of overthrowing the National Government of the Republic of Mexico," I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *December 21, 1866.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 19th instant, calling for a copy of certain correspondence relating to the joint occupancy of the island of San Juan, in Washington Territory, I transmit a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, *January 3, 1867.*

To the House of Representatives:

I have the honor to communicate an additional report of the Secretary of State relating to the discovery and arrest of John H. Surratt.

ANDREW JOHNSON.

WASHINGTON, *January 8, 1867.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War and the accompanying papers, in reply to the resolution of the House of Representatives of the 13th ultimo, requesting copies of all official documents, orders, letters, and papers of every description relative to the trial by a military commission and conviction of Crawford Keys and others for the murder of Emory Smith and others, and to the respite of the sentence in the case of said Crawford Keys or either of his associates, their transfer to Fort Delaware, and subsequent release upon a writ of *habeas corpus*.

ANDREW JOHNSON.

WASHINGTON, *January 8, 1867.*

To the House of Representatives:

I transmit the accompanying report from the Attorney-General as a partial reply to the resolution of the House of Representatives of the 10th ultimo, requesting a "list of names of all persons engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate government, and the position if he shall have held any civil office under said so-called Confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reasons for granting such pardons and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *January 9, 1867.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy in answer to a resolution of the House of the 19th ultimo, requesting a statement of the amounts charged to the State Department since May 1, 1865, for services rendered by naval vessels.

ANDREW JOHNSON

WASHINGTON, *January 9, 1867.*

To the Senate of the United States:

I transmit herewith a communication from the Secretary of the Navy, with the accompanying documents, in answer to a resolution of the Senate of the 5th ultimo, calling for copies of orders, instructions, and directions issued from that Department in relation to the employment of officers and others in the navy-yards of the United States, and all communications received in relation to employment at the Norfolk Navy-Yard.

ANDREW JOHNSON.

WASHINGTON, *January 10, 1867.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to a resolution of the 17th ultimo, calling for information relative to the revolution in Candia, a report of the Secretary of State, with accompanying documents.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, January 14, 1867.

To the House of Representatives:

In compliance with the resolution of the House of the 19th ultimo, requesting information regarding the occupation of Mexican territory by the troops of the United States, I transmit a report of the Secretary of State and one of the Secretary of War, and the documents by which they were accompanied.

ANDREW JOHNSON.

WASHINGTON, *January 18, 1867.*

To the Senate of the United States:

In compliance with a resolution of the 19th ultimo, requesting certain information in regard to the Universal Exposition to be held at Paris during the present year, I transmit a report from the Secretary of State and the documents to which it refers.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 19, 1867.*

To the House of Representatives:

I herewith communicate a report from the Secretary of the Interior, in answer to a resolution of the House of Representatives of the 16th instant, in relation to the clerks of the Federal courts and the marshal of the United States for the district of North Carolina.

ANDREW JOHNSON.

To the House of Representatives:

I transmit herewith a report from the Secretary of War and the accompanying papers, in compliance with the resolution of the House of Representatives of the 19th ultimo, requesting copies of all papers in possession of the President touching the case of George St. Leger Grenfel.

ANDREW JOHNSON.

JANUARY 21, 1867

WASHINGTON, *January 23, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 21st instant, a report from the Secretary of State, with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, *January 28, 1867.*

To the Senate of the United States:

I transmit herewith a report† from the Secretary of State, with accompanying papers, in answer to the Senate's resolution of the 7th instant.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1867.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 7th instant, in relation to the attempted compromise of certain suits instituted in the English courts in behalf of the United States against Fraser, Trenholm & Co., alleged agents of the so-called Confederate government, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ANDREW JOHNSON.

* Correspondence with Mr. Motley, envoy extraordinary and minister plenipotentiary at Vienna, relative to his reported resignation.

† Relating to an alleged emigration of citizens of the United States to the dominions of the Sublime Porte for the purpose of settling and acquiring landed property there.

WASHINGTON, *January 29, 1867.*

To the House of Representatives of the United States:

I transmit herewith a report* from the Secretary of State, in answer to the resolution of the House of Representatives of the 24th instant.

ANDREW JOHNSON.

WASHINGTON, *January 29, 1867.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 12th ultimo and its request of the 28th instant for all correspondence, reports, and information in my possession in relation to the riot which occurred in the city of New Orleans on the 30th day of July last, I transmit herewith copies of telegraphic dispatches upon the subject, and reports from the Secretary of War, with the papers accompanying the same.

ANDREW JOHNSON.

WASHINGTON, *January 29, 1867.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 4th of December last, requesting information upon the present condition of affairs in the Republic of Mexico, and of one of the 18th of the same month, desiring me to communicate to the House of Representatives copies of all correspondence on the subject of the evacuation of Mexico by the French troops not before officially published, I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *January 31, 1867.*

To the House of Representatives:

I transmit herewith reports from the heads of the several Executive Departments, containing the information in reference to appointments to office requested in the resolution adopted by the House of Representatives on the 6th of December last.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 31, 1867.*

To the House of Representatives:

I transmit herewith a report by the Secretary of War of January 30, containing the information asked for in a resolution of the House of

*Stating that the Department of State has received no information concerning the removal of the Protestant Church or religious assembly meeting at the American embassy from the city of Rome by an order of that Government.

Representatives of January 25, 1867, hereto annexed, respecting the execution of "An act providing for the appointment of a commissioner to examine and report upon certain claims of the State of Iowa," approved July 25, 1866.

ANDREW JOHNSON.

WASHINGTON, *January 31, 1867.*

To the Senate of the United States:

The accompanying reports from the heads of the several Executive Departments of the Government are submitted in compliance with a resolution of the Senate dated the 12th ultimo, inquiring whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate, and, if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor.

ANDREW JOHNSON.

WASHINGTON, *February 1, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded the 29th day of August, 1866, between Alexander Cummings, governor of Colorado Territory and *ex officio* superintendent of Indian affairs, Hon. A. C. Hunt, and D. C. Oakes, United States Indian agent, duly authorized and appointed as commissioners for the purpose, and the chiefs and warriors of the Uintah Jampa, or Grand River, bands of Utah Indians.

A letter of the Secretary of the Interior of the 31st of January, with copy of letter from the Commissioner of Indian Affairs of the 28th of January, 1867, together with a map showing the tract of country claimed by said Indians, accompany the treaty.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1867.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 2d instant, requesting the Secretary of State to report what steps have been taken him to

secure to the United States the right to make the necessary surveys for an interoceanic ship canal through the territory of Colombia, I transmit herewith the report of the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1867.*

To the Senate of the United States:

I herewith communicate a report from the Secretary of the Interior of this date, in answer to a resolution of the Senate of the 31st ultimo, in relation to the deputy marshals, bailiffs, and criers in the District of Columbia who have received compensation for the year 1866.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1867.*

To the Senate of the United States:

I transmit a report of the Secretary of the Treasury, in answer to a resolution of the Senate of the 31st ultimo, on the subject of a treaty of reciprocity with the Hawaiian Islands.

ANDREW JOHNSON.

WASHINGTON, *February 5, 1867.*

To the Senate of the United States:

I transmit herewith, in answer to the Senate's resolution of the 2d instant, a report from the Secretary of State, with an accompanying document.*

ANDREW JOHNSON.

WASHINGTON, *February 5, 1867.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, making inquiry as to the States which have ratified the amendment to the Constitution proposed by the Thirty-ninth Congress.

ANDREW JOHNSON.

WASHINGTON, *February 7, 1867.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 4th instant, requesting me to communicate to that body any official correspondence which may have taken place with regard to the visit of Professor Agassiz to Brazil, I transmit herewith the report of the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

*Copy of the letter on which the Secretary of State founded his inquiries addressed to Mr. Motley, United States minister at Vienna, with regard to his reported conversation and opinions.

WASHINGTON, *February 7, 1867.*

To the House of Representatives:

I herewith communicate a report of the Secretary of the Interior, in answer to a resolution of the House of Representatives of the 22d ultimo, requesting information relative to the condition, occupancy, and area of the Hot Springs Reservation, in the State of Arkansas.

ANDREW JOHNSON.

WASHINGTON, *February 9, 1867.*

To the Senate of the United States:

I transmit herewith, in answer to the Senate's resolution of the 7th instant, a report* from the Secretary of State, with an accompanying document.

ANDREW JOHNSON.

WASHINGTON, *February 11, 1867.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th of February, 1867, requesting me to transmit copies of all correspondence not heretofore communicated on the subject of grants to American citizens for railroad and telegraph lines across the territory of the Republic of Mexico, I submit herewith the report of the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *February 16, 1867.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, making further inquiry as to the States which have ratified the amendment to the Constitution proposed by the Thirty-ninth Congress.

ANDREW JOHNSON.

WASHINGTON, *February 16, 1867.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th of July last, relative to the practicability of establishing equal reciprocal relations between the United States and the British North American Provinces and to the actual condition of the question of the fisheries, I transmit a report on the subject from the Secretary of State, with the papers to which it refers.

ANDREW JOHNSON.

*Relating to the reported transfer of the United States minister from Stockholm to Bogota.

WASHINGTON, *February 18, 1867.*

To the Senate of the United States:

I have received a resolution of the Senate dated the 8th day of January last, requesting the President to inform the Senate if any violations of the act entitled "An act to protect all persons in the United States in their civil rights and furnish the means of their vindication" have come to his knowledge, and, if so, what steps, if any, have been taken by him to enforce the law and punish the offenders.

Not being cognizant of any cases which came within the purview of the resolution, in order that the inquiry might have the fullest range I referred it to the heads of the several Executive Departments, whose reports are herewith communicated for the information of the Senate.

With the exception of the cases mentioned in the reports of the Secretary of War and the Attorney-General, no violations, real or supposed, of the act to which the resolution refers have at any time come to the knowledge of the Executive. The steps taken in these cases to enforce the law appear in these reports.

The Secretary of War, under date of the 15th instant, submitted a series of reports from the General Commanding the armies of the United States and other military officers as to supposed violations of the act alluded to in the resolution, with the request that they should be referred to the Attorney-General "for his investigation and report, to the end that the cases may be designated which are cognizant by the civil authorities and such as are cognizant by military tribunals." I have directed the reference so to be made.

ANDREW JOHNSON.

WASHINGTON, *February 18, 1867.*

To the House of Representatives:

I transmit a letter of the 26th ultimo, addressed to me by W. F. M. Arny, secretary and acting governor of the Territory of New Mexico, with the memorials to Congress by which it was accompanied, requesting certain appropriations for that Territory. The attention of the House of Representatives is invited to the subject.

ANDREW JOHNSON.

WASHINGTON, *February 19, 1867.*

To the House of Representatives:

I transmit the accompanying reports from the Secretary of the Treasury and the Secretary of War, in answer to the resolution of the House of Representatives of the 28th May last, requesting certain information in regard to captured and forfeited cotton.

ANDREW JOHNSON.

WASHINGTON, *February 20, 1867.*

To the House of Representatives:

I transmit a report from the Secretary of State, giving information of States which have ratified the amendment to the Constitution proposed by the Thirty-ninth Congress in addition to those named in his report which was communicated in my message of the 16th instant, in answer to a resolution of the House of Representatives of the 15th instant.

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 11th instant, a report from the Secretary of State, with accompanying documents.*

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 31st ultimo, a report from the Secretary of State, with accompanying documents.†

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 19th instant, a report from the Secretary of State, with accompanying documents.‡

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 14th instant, a report§ from the Secretary of State of this date.

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

To the Senate of the United States:

For the reasons stated|| in the accompanying communication from the Secretary of the Interior, I withdraw the treaty concluded with the New

*Correspondence relative to the refusal of the United States consul at Cadiz, Spain, to certify invoices of wines shipped from that port, etc.

†Correspondence with foreign ministers of the United States relative to the policy of the President toward the States lately in rebellion.

‡Correspondence relative to the salary of the United States minister to Portugal.

§Stating that the correspondence relative to the refusal of the United States consul at Cadiz, Spain, to certify invoices of wines shipped from that port had been sent to the Senate.

||For the purpose of concluding a new treaty.

York Indians in Kansas and submitted to the Senate in the month of December, 1863, but upon which I am informed no action has yet been taken.

ANDREW JOHNSON.

WASHINGTON CITY, D. C., *February 23, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in the city of Washington on the 19th of February, 1867, between the United States and the Sac and Fox tribes of Indians of Missouri.

A letter of the Secretary of the Interior of the 23d and copy of a letter of the Commissioner of Indian Affairs of the 19th of February, 1867, accompany the treaty.

ANDREW JOHNSON.

WASHINGTON CITY, D. C., *February 23, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in the city of Washington on the 18th February, 1867, between the United States and the Sac and Fox tribes of Indians of the Mississippi.

A letter of the Secretary of the Interior of the 23d and a copy of a letter of the Commissioner of Indian Affairs of the 19th February, 1867, accompany the treaty.

ANDREW JOHNSON.

WASHINGTON CITY, D. C., *February 23, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 19th February, 1867, between the United States and the Sisseton and Wahpeton bands of Indians.

A letter of the Secretary of the Interior of the 23d instant and accompanying copies of letters of the Commissioner of Indian Affairs and Major T. R. Brown, in relation to said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 23, 1867.*

To the Senate and House of Representatives:

I transmit a copy of a letter of the 12th instant addressed to me by His Excellency Lucius Fairchild, governor of the State of Wisconsin, and of the memorial to Congress concerning the Paris Exposition adopted by the legislature of that State during its present session.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 25, 1867.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, in reply to the resolution of the House of Representatives of the 11th instant, calling for certain information relative to removals and appointments in his Department since the adjournment of the first session of the Thirty-ninth Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 26, 1867.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence between the Secretary of State and G. V. Fox, esq., relative to the presentation by the latter to the Emperor of Russia of the resolution of Congress expressive of the feelings of the people of the United States in reference to the providential escape of that sovereign from an attempted assassination.

ANDREW JOHNSON.

WASHINGTON, *February 26, 1867.*

To the Senate of the United States:

I transmit to the Senate, with a view to ratification, a general convention of amity, commerce, and navigation and for the surrender of fugitive criminals between the United States and the Dominican Republic, signed by the plenipotentiaries of the parties at the city of St. Domingo on the 8th of this month.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 27, 1867.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, in answer to a resolution of the House of Representatives of the 21st instant, calling for a copy of a letter addressed by Richard M. Boynton and Harriet M. Fisher to the Secretary of the Navy in the month of February, 1863, together with the indorsement made thereon by the Chief of the Bureau of Ordnance.

ANDREW JOHNSON.

WASHINGTON, *March 2, 1867.*

To the House of Representatives:

I transmit herewith a report of the Attorney-General, additional to the one submitted by him December 13, 1866, in reply to the resolution of the House of Representatives of December 10, 1866, requesting "a list of names of all persons who have been engaged in the late rebellion against

the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate States, and the position if he shall have held any civil office under said so-called Confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reasons for granting such pardons, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

MARCH 2, 1867.

To the House of Representatives:

The act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes" contains provisions to which I must call attention. Those provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander in Chief of the Army, and in the sixth section, which denies to ten States of this Union their constitutional right to protect themselves in any emergency by means of their own militia. Those provisions are out of place in an appropriation act. I am compelled to defeat these necessary appropriations if I withhold my signature to the act. Pressed by these considerations, I feel constrained to return the bill with my signature, but to accompany it with my protest against the sections which I have indicated.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, *January 5, 1867.*

To the Senate of the United States:

I have received and considered a bill entitled "An act to regulate the elective franchise in the District of Columbia," passed by the Senate on the 13th of December and by the House of Representatives on the succeeding day. It was presented for my approval on the 26th ultimo—six days after the adjournment of Congress—and is now returned with my objections to the Senate, in which House it originated.

Measures having been introduced at the commencement of the first session of the present Congress for the extension of the elective franchise to persons of color in the District of Columbia, steps were taken by the corporate authorities of Washington and Georgetown to ascertain and make known the opinion of the people of the two cities upon a subject so

immediately affecting their welfare as a community. The question was submitted to the people at special elections held in the month of December, 1865, when the qualified voters of Washington and Georgetown, with great unanimity of sentiment, expressed themselves opposed to the contemplated legislation. In Washington, in a vote of 6,556—the largest, with but two exceptions, ever polled in that city—only thirty-five ballots were cast for negro suffrage, while in Georgetown, in an aggregate of 813 votes—a number considerably in excess of the average vote at the four preceding annual elections—but one was given in favor of the proposed extension of the elective franchise. As these elections seem to have been conducted with entire fairness, the result must be accepted as a truthful expression of the opinion of the people of the District upon the question which evoked it. Possessing, as an organized community, the same popular right as the inhabitants of a State or Territory to make known their will upon matters which affect their social and political condition, they could have selected no more appropriate mode of memorializing Congress upon the subject of this bill than through the suffrages of their qualified voters.

Entirely disregarding the wishes of the people of the District of Columbia, Congress has deemed it right and expedient to pass the measure now submitted for my signature. It therefore becomes the duty of the Executive, standing between the legislation of the one and the will of the other, fairly expressed, to determine whether he should approve the bill, and thus aid in placing upon the statute books of the nation a law against which the people to whom it is to apply have solemnly and with such unanimity protested, or whether he should return it with his objections in the hope that upon reconsideration Congress, acting as the representatives of the inhabitants of the seat of Government, will permit them to regulate a purely local question as to them may seem best suited to their interests and condition.

The District of Columbia was ceded to the United States by Maryland and Virginia in order that it might become the permanent seat of Government of the United States. Accepted by Congress, it at once became subject to the "exclusive legislation" for which provision is made in the Federal Constitution. It should be borne in mind, however, that in exercising its functions as the lawmaking power of the District of Columbia the authority of the National Legislature is not without limit, but that Congress is bound to observe the letter and spirit of the Constitution as well in the enactment of local laws for the seat of Government as in legislation common to the entire Union. Were it to be admitted that the right "to exercise exclusive legislation in all cases whatsoever" conferred upon Congress unlimited power within the District of Columbia, titles of nobility might be granted within its boundaries; laws might be made "respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right

of the people peaceably to assemble and to petition the Government for a redress of grievances." Despotism would thus reign at the seat of government of a free republic, and as a place of permanent residence it would be avoided by all who prefer the blessings of liberty to the mere emoluments of official position.

It should also be remembered that in legislating for the District of Columbia under the Federal Constitution the relation of Congress to its inhabitants is analogous to that of a legislature to the people of a State under their own local constitution. It does not, therefore, seem to be asking too much that in matters pertaining to the District Congress should have a like respect for the will and interest of its inhabitants as is entertained by a State legislature for the wishes and prosperity of those for whom they legislate. The spirit of our Constitution and the genius of our Government require that in regard to any law which is to affect and have a permanent bearing upon a people their will should exert at least a reasonable influence upon those who are acting in the capacity of their legislators. Would, for instance, the legislature of the State of New York, or of Pennsylvania, or of Indiana, or of any State in the Union, in opposition to the expressed will of a large majority of the people whom they were chosen to represent, arbitrarily force upon them as voters all persons of the African or negro race and make them eligible for office without any other qualification than a certain term of residence within the State? In neither of the States named would the colored population, when acting together, be able to produce any great social or political result. Yet in New York, before he can vote, the man of color must fulfill conditions that are not required of the white citizen; in Pennsylvania the elective franchise is restricted to white freemen, while in Indiana negroes and mulattoes are expressly excluded from the right of suffrage. It hardly seems consistent with the principles of right and justice that representatives of States where suffrage is either denied the colored man or granted to him on qualifications requiring intelligence or property should compel the people of the District of Columbia to try an experiment which their own constituents have thus far shown an unwillingness to test for themselves. Nor does it accord with our republican ideas that the principle of self-government should lose its force when applied to the residents of the District merely because their legislators are not, like those of the States, responsible through the ballot to the people for whom they are the lawmaking power.

The great object of placing the seat of Government under the exclusive legislation of Congress was to secure the entire independence of the General Government from undue State influence and to enable it to discharge without danger of interruption or infringement of its authority the high functions for which it was created by the people. For this important purpose it was ceded to the United States by Maryland and Virginia, and it certainly never could have been contemplated as one of

the objects to be attained by placing it under the exclusive jurisdiction of Congress that it would afford to propagandists or political parties a place for an experimental test of their principles and theories. While, indeed, the residents of the seat of Government are not citizens of any State and are not, therefore, allowed a voice in the electoral college or representation in the councils of the nation, they are, nevertheless, American citizens, entitled as such to every guaranty of the Constitution, to every benefit of the laws, and to every right which pertains to citizens of our common country. In all matters, then, affecting their domestic affairs, the spirit of our democratic form of government demands that their wishes should be consulted and respected and they taught to feel that although not permitted practically to participate in national concerns, they are, nevertheless, under a paternal government regardful of their rights, mindful of their wants, and solicitous for their prosperity. It was evidently contemplated that all local questions would be left to their decision, at least to an extent that would not be incompatible with the object for which Congress was granted exclusive legislation over the seat of Government. When the Constitution was yet under consideration, it was assumed by Mr. Madison that its inhabitants would be allowed "a municipal legislature for local purposes, derived from their own suffrages." When for the first time Congress, in the year 1800, assembled at Washington, President Adams, in his speech at its opening, reminded the two Houses that it was for them to consider whether the local powers over the District of Columbia, vested by the Constitution in the Congress of the United States, should be immediately exercised, and he asked them to "consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those resources which, if not thrown away or lamentably misdirected, would secure to it a long course of prosperity and self-government." Three years had not elapsed when Congress was called upon to determine the propriety of retroceding to Maryland and Virginia the jurisdiction of the territory which they had respectively relinquished to the Government of the United States. It was urged on the one hand that exclusive jurisdiction was not necessary or useful to the Government; that it deprived the inhabitants of the District of their political rights; that much of the time of Congress was consumed in legislation pertaining to it; that its government was expensive; that Congress was not competent to legislate for the District, because the members were strangers to its local concerns; and that it was an example of a government without representation—an experiment dangerous to the liberties of the States. On the other hand it was held, among other reasons, and successfully, that the Constitution, the acts of cession of Virginia and Maryland, and the act of Congress accepting the grant all contemplated the exercise of exclusive legislation by Congress, and that its usefulness, if not its necessity,

was inferred from the inconvenience which was felt for want of it by the Congress of the Confederation; that the people themselves, who, it was said, had been deprived of their political rights, had not complained and did not desire a retrocession; that the evil might be remedied by giving them a representation in Congress when the District should become sufficiently populous, and in the meantime a local legislature; that if the inhabitants had not political rights they had great political influence; that the trouble and expense of legislating for the District would not be great, but would diminish, and might in a great measure be avoided by a local legislature; and that Congress could not retrocede the inhabitants without their consent. Continuing to live substantially under the laws that existed at the time of the cession, and such changes only having been made as were suggested by themselves, the people of the District have not sought by a local legislature that which has generally been willingly conceded by the Congress of the nation.

As a general rule sound policy requires that the legislature should yield to the wishes of a people, when not inconsistent with the constitution and the laws. The measures suited to one community might not be well adapted to the condition of another; and the persons best qualified to determine such questions are those whose interests are to be directly affected by any proposed law. In Massachusetts, for instance, male persons are allowed to vote without regard to color, provided they possess a certain degree of intelligence. In a population in that State of 1,231,066 there were, by the census of 1860, only 9,602 persons of color, and of the males over 20 years of age there were 339,086 white to 2,602 colored. By the same official enumeration there were in the District of Columbia 60,764 whites to 14,316 persons of the colored race. Since then, however, the population of the District has largely increased, and it is estimated that at the present time there are nearly 100,000 whites to 30,000 negroes. The cause of the augmented numbers of the latter class needs no explanation. Contiguous to Maryland and Virginia, the District during the war became a place of refuge for those who escaped from servitude, and it is yet the abiding place of a considerable proportion of those who sought within its limits a shelter from bondage. Until then held in slavery and denied all opportunities for mental culture, their first knowledge of the Government was acquired when, by conferring upon them freedom, it became the benefactor of their race. The test of their capability for improvement began when for the first time the career of free industry and the avenues to intelligence were opened to them. Possessing these advantages but a limited time—the greater number perhaps having entered the District of Columbia during the later years of the war, or since its termination—we may well pause to inquire whether, after so brief a probation, they are as a class capable of an intelligent exercise of the right of suffrage and qualified to discharge the duties of official position. The people who are daily witnesses of their mode of living, and

who have become familiar with their habits of thought, have expressed the conviction that they are not yet competent to serve as electors, and thus become eligible for office in the local governments under which they live. Clothed with the elective franchise, their numbers, already largely in excess of the demand for labor, would be soon increased by an influx from the adjoining States. Drawn from fields where employment is abundant, they would in vain seek it here, and so add to the embarrassments already experienced from the large class of idle persons congregated in the District. Hardly yet capable of forming correct judgments upon the important questions that often make the issues of a political contest, they could readily be made subservient to the purposes of designing persons. While in Massachusetts, under the census of 1860, the proportion of white to colored males over 20 years of age was 130 to 1, here the black race constitutes nearly one-third of the entire population, whilst the same class surrounds the District on all sides, ready to change their residence at a moment's notice, and with all the facility of a nomadic people, in order to enjoy here, after a short residence, a privilege they find nowhere else. It is within their power in one year to come into the District in such numbers as to have the supreme control of the white race, and to govern them by their own officers and by the exercise of all the municipal authority—among the rest, of the power of taxation over property in which they have no interest. In Massachusetts, where they have enjoyed the benefits of a thorough educational system, a qualification of intelligence is required, while here suffrage is extended to all without discrimination—as well to the most incapable who can prove a residence in the District of one year as to those persons of color who, comparatively few in number, are permanent inhabitants, and, having given evidence of merit and qualification, are recognized as useful and responsible members of the community. Imposed upon an unwilling people placed by the Constitution under the exclusive legislation of Congress, it would be viewed as an arbitrary exercise of power and as an indication by the country of the purpose of Congress to compel the acceptance of negro suffrage by the States. It would engender a feeling of opposition and hatred between the two races, which, becoming deep rooted and ineradicable, would prevent them from living together in a state of mutual friendliness. Carefully avoiding every measure that might tend to produce such a result, and following the clear and well-ascertained popular will, we should assiduously endeavor to promote kindly relations between them, and thus, when that popular will leads the way, prepare for the gradual and harmonious introduction of this new element into the political power of the country.

It can not be urged that the proposed extension of suffrage in the District of Columbia is necessary to enable persons of color to protect either their interests or their rights. They stand here precisely as they stand in Pennsylvania, Ohio, and Indiana. Here as elsewhere, in all that

pertains to civil rights, there is nothing to distinguish this class of persons from citizens of the United States, for they possess the "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens," and are made "subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding." Nor, as has been assumed, are their suffrages necessary to aid a loyal sentiment here, for local governments already exist of undoubted fealty to the Government, and are sustained by communities which were among the first to testify their devotion to the Union, and which during the struggle furnished their full quotas of men to the military service of the country.

The exercise of the elective franchise is the highest attribute of an American citizen, and when guided by virtue, intelligence, patriotism, and a proper appreciation of our institutions constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. Its influence for good necessarily depends upon the elevated character and patriotism of the elector, for if exercised by persons who do not justly estimate its value and who are indifferent as to its results it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. Great danger is therefore to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, can not be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, 4,000,000 persons were held in a condition of slavery that had existed for generations; to-day they are freemen and are assumed by law to be citizens. It can not be presumed, from their previous condition of servitude, that as a class they are as well informed as to the nature of our Government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter neither a residence of five years and the knowledge of our institutions which it gives nor attachment to the principles of the Constitution are the only conditions upon which he can be admitted to citizenship; he must prove in addition a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people—the source of all political power—speak by their suffrages through the instrumentality of the ballot box, it must be carefully guarded against the control of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow.

In the hands of the patriotic and worthy our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot box a new class of voters not qualified for the exercise of the elective franchise we weaken our system of government instead of adding to its strength and durability.

In returning this bill to the Senate I deeply regret that there should be any conflict of opinion between the legislative and executive departments of the Government in regard to measures that vitally affect the prosperity and peace of the country. Sincerely desiring to reconcile the States with one another and the whole people to the Government of the United States, it has been my earnest wish to cooperate with Congress in all measures having for their object a proper and complete adjustment of the questions resulting from our late civil war. Harmony between the coordinate branches of the Government, always necessary for the public welfare, was never more demanded than at the present time, and it will therefore be my constant aim to promote as far as possible concert of action between them. The differences of opinion that have already occurred have rendered me only the more cautious, lest the Executive should encroach upon any of the prerogatives of Congress or by exceeding in any manner the constitutional limit of his duties destroy the equilibrium which should exist between the several coordinate departments, and which is so essential to the harmonious working of the Government. I know it has been urged that the executive department is more likely to enlarge the sphere of its action than either of the other two branches of the Government, and especially in the exercise of the veto power conferred upon it by the Constitution. It should be remembered, however, that this power is wholly negative and conservative in its character, and was intended to operate as a check upon unconstitutional, hasty, and improvident legislation and as a means of protection against invasions of the just powers of the executive and judicial departments. It is remarked by Chancellor Kent that—

> To enact laws is a transcendent power, and if the body that possesses it be a full and equal representation of the people there is danger of its pressing with destructive weight upon all the other parts of the machinery of Government. It has therefore been thought necessary by the most skillful and most experienced artists in the science of civil polity that strong barriers should be erected for the protection and security of the other necessary powers of the Government. Nothing has been deemed more fit and expedient for the purpose than the provision that the head of the executive department should be so constituted as to secure a requisite share of independence and that he should have a negative upon the passing of laws; and that the judiciary power, resting on a still more permanent basis, should have the right of determining upon the validity of laws by the standard of the Constitution.

The necessity of some such check in the hands of the Executive is shown by reference to the most eminent writers upon our system of government, who seem to concur in the opinion that encroachments are most to be apprehended from the department in which all legislative powers

are vested by the Constitution. Mr. Madison, in referring to the difficulty of providing some practical security for each against the invasion of the others, remarks that "the legislative department is everywhere extending the sphere of its activity and drawing all power into its impetuous vortex." "The founders of our Republic * * * seem never to have recollected the danger from legislative usurpations, which by assembling all power in the same hands must lead to the same tyranny as is threatened by Executive usurpations." "In a representative republic, where the executive magistracy is carefully limited both in the extent and the duration of its power, and where the legislative power is exercised by an assembly which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength, which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions." "The legislative department derives a superiority in our governments from other circumstances. Its constitutional powers being at once more extensive and less susceptible of precise limits, it can with the greater facility mask, under complicated and indirect measures, the encroachments which it makes on the coordinate departments." "On the other side, the Executive power being restrained within a narrower compass and being more simple in its nature, and the judiciary being described by landmarks still less uncertain, projects of usurpation by either of these departments would immediately betray and defeat themselves. Nor is this all. As the legislative department alone has access to the pockets of the people and has in some constitutions full discretion and in all a prevailing influence over the pecuniary rewards of those who fill the other departments, a dependence is thus created in the latter which gives still greater facility to encroachments of the former." "We have seen that the tendency of republican governments is to an aggrandizement of the legislative at the expense of the other departments."

Mr. Jefferson, in referring to the early constitution of Virginia, objected that by its provisions all the powers of government—legislative, executive, and judicial—resulted to the legislative body, holding that "the concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one." "As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that

convention which passed the ordinance of government laid its foundation on this basis, that the legislative, executive, and judicial departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and executive members were left dependent on the legislative for their subsistence in office, and some of them for their continuance in it. If, therefore, the legislature assumes executive and judiciary powers, no opposition is likely to be made, nor, if made, can be effectual, because in that case they may put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly in many instances decided rights which should have been left to judiciary controversy; and the direction of the executive, during the whole time of their session, is becoming habitual and familiar."

Mr. Justice Story, in his Commentaries on the Constitution, reviews the same subject, and says:

The truth is that the legislative power is the great and overruling power in every free government. * * * The representatives of the people will watch with jealousy every encroachment of the executive magistrate, for it trenches upon their own authority. But who shall watch the encroachment of these representatives themselves? Will they be as jealous of the exercise of power by themselves as by others? * * *

There are many reasons which may be assigned for the engrossing influence of the legislative department. In the first place, its constitutional powers are more extensive, and less capable of being brought within precise limits than those of either the other departments. The bounds of the executive authority are easily marked out and defined. It reaches few objects, and those are known. It can not transcend them without being brought in contact with the other departments. Laws may check and restrain and bound its exercise. The same remarks apply with still greater force to the judiciary. The jurisdiction is, or may be, bounded to a few objects or persons; or, however general and unlimited, its operations are necessarily confined to the mere administration of private and public justice. It can not punish without law. It can not create controversies to act upon. It can decide only upon rights and cases as they are brought by others before it. It can do nothing for itself. It must do everything for others. It must obey the laws, and if it corruptly administers them it is subjected to the power of impeachment. On the other hand, the legislative power except in the few cases of constitutional prohibition, is unlimited. It is forever varying its means and its ends. It governs the institutions and laws and public policy of the country. It regulates all its vast interests. It disposes of all its property. Look but at the exercise of two or three branches of its ordinary powers. It levies all taxes; it directs and appropriates all supplies; it gives the rules for the descent, distribution, and devises of all property held by individuals; it controls the sources and the resources of wealth; it changes at its will the whole fabric of the laws; it molds at its pleasure almost all the institutions which give strength and comfort and dignity to society.

In the next place, it is the direct visible representative of the will of the people in all the changes of times and circumstances. It has the pride as well as the power of numbers. It is easily moved and steadily moved by the strong impulses of popular feeling and popular odium. It obeys without reluctance the wishes and the will of the majority for the time being. The path to public favor lies open by such

obedience, and it finds not only support but impunity in whatever measures the majority advises, even though they transcend the constitutional limits. It has no motive, therefore, to be jealous or scrupulous in its own use of power; and it finds its ambition stimulated and its arm strengthened by the countenance and the courage of numbers. These views are not alone those of men who look with apprehension upon the fate of republics, but they are also freely admitted by some of the strongest advocates for popular rights and the permanency of republican institutions. * * *

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* * * Each department should have a will of its own. * * * Each should have its own independence secured beyond the power of being taken away by either or both of the others. But at the same time the relations of each to the other should be so strong that there should be a mutual interest to sustain and protect each other. There should not only be constitutional means, but personal motives to resist encroachments of one or either of the others. Thus ambition would be made to counteract ambition, the desire of power to check power, and the pressure of interest to balance an opposing interest.

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* * * The judiciary is naturally and almost necessarily, as has been already said, the weakest department. It can have no means of influence by patronage. Its powers can never be wielded for itself. It has no command over the purse or the sword of the nation. It can neither lay taxes, nor appropriate money, nor command armies, nor appoint to office. It is never brought into contact with the people by constant appeals and solicitations and private intercourse, which belong to all the other departments of Government. It is seen only in controversies or in trials and punishments. Its rigid justice and impartiality give it no claims to favor, however they may to respect. It stands solitary and unsupported, except by that portion of public opinion which is interested only in the strict administration of justice. It can rarely secure the sympathy or zealous support either of the Executive or the Legislature. If they are not, as is not unfrequently the case, jealous of its prerogatives, the constant necessity of scrutinizing the acts of each, upon the application of any private person, and the painful duty of pronouncing judgment that these acts are a departure from the law or Constitution can have no tendency to conciliate kindness or nourish influence. It would seem, therefore, that some additional guards would, under the circumstances, be necessary to protect this department from the absolute dominion of the others. Yet rarely have any such guards been applied, and every attempt to introduce them has been resisted with a pertinacity which demonstrates how slow popular leaders are to introduce checks upon their own power and how slow the people are to believe that the judiciary is the real bulwark of their liberties. * * *

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* * * If any department of the Government has undue influence or absorbing power, it certainly has not been the executive or judiciary.

In addition to what has been said by these distinguished writers, it may also be urged that the dominant party in each House may, by the expulsion of a sufficient number of members or by the exclusion from representation of a requisite number of States, reduce the minority to less than one-third. Congress by these means might be enabled to pass a law, the objections of the President to the contrary notwithstanding, which would render impotent the other two departments of the Government and make inoperative the wholesome and restraining power which it was intended by the framers of the Constitution should be exerted by them. This would be a practical concentration of all power in the Con-

gress of the United States; this, in the language of the author of the Declaration of Independence, would be "precisely the definition of despotic government."

I have preferred to reproduce these teachings of the great statesmen and constitutional lawyers of the early and later days of the Republic rather than to rely simply upon an expression of my own opinions. We can not too often recur to them, especially at a conjuncture like the present. Their application to our actual condition is so apparent that they now come to us a living voice, to be listened to with more attention than at any previous period of our history. We have been and are yet in the midst of popular commotion. The passions aroused by a great civil war are still dominant. It is not a time favorable to that calm and deliberate judgment which is the only safe guide when radical changes in our institutions are to be made. The measure now before me is one of those changes. It initiates an untried experiment for a people who have said, with one voice, that it is not for their good. This alone should make us pause, but it is not all. The experiment has not been tried, or so much as demanded, by the people of the several States for themselves. In but few of the States has such an innovation been allowed as giving the ballot to the colored population without any other qualification than a residence of one year, and in most of them the denial of the ballot to this race is absolute and by fundamental law placed beyond the domain of ordinary legislation. In most of those States the evil of such suffrage would be partial, but, small as it would be, it is guarded by constitutional barriers. Here the innovation assumes formidable proportions, which may easily grow to such an extent as to make the white population a subordinate element in the body politic.

After full deliberation upon this measure, I can not bring myself to approve it, even upon local considerations, nor yet as the beginning of an experiment on a larger scale. I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation. But there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class, wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and finally to destroy its power, for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its destruction.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1867.*

To the Senate of the United States:

I return to the Senate, in which House it originated, a bill entitled 'An act to admit the State of Colorado into the Union," to which I can

not, consistently with my sense of duty, give my approval. With the exception of an additional section, containing new provisions, it is substantially the same as the bill of a similar title passed by Congress during the last session, submitted to the President for his approval, returned with the objections contained in a message bearing date the 15th of May last, and yet awaiting the reconsideration of the Senate.

A second bill, having in view the same purpose, has now passed both Houses of Congress and been presented for my signature. Having again carefully considered the subject, I have been unable to perceive any reason for changing the opinions which have already been communicated to Congress. I find, on the contrary, that there are many objections to the proposed legislation of which I was not at that time aware, and that while several of those which I then assigned have in the interval gained in strength, yet others have been created by the altered character of the measures now submitted.

The constitution under which the State government is proposed to be formed very properly contains a provision that all laws in force at the time of its adoption and the admission of the State into the Union shall continue as if the constitution had not been adopted. Among those laws is one absolutely prohibiting negroes and mulattoes from voting. At the recent session of the Territorial legislature a bill for the repeal of this law, introduced into the council, was almost unanimously rejected; and at the very time when Congress was engaged in enacting the bill now under consideration the legislature passed an act excluding negroes and mulattoes from the right to sit as jurors. This bill was vetoed by the governor of the Territory, who held that by the laws of the United States negroes and mulattoes are citizens, and subject to the duties, as well as entitled to the rights, of citizenship. The bill, however, was passed, the objections of the governor to the contrary notwithstanding, and is now a law of the Territory. Yet in the bill now before me, by which it is proposed to admit the Territory as a State, it is provided that "there shall be no denial of the elective franchise or any other rights to any person by reason of race or color, excepting Indians not taxed."

The incongruity thus exhibited between the legislation of Congress and that of the Territory, taken in connection with the protest against the admission of the State hereinafter referred to, would seem clearly to indicate the impolicy and injustice of the proposed enactment.

It might, indeed, be a subject of grave inquiry, and doubtless will result in such inquiry if this bill becomes a law, whether it does not attempt to exercise a power not conferred upon Congress by the Federal Constitution. That instrument simply declares that Congress may admit new States into the Union. It nowhere says that Congress may make new States for the purpose of admitting them into the Union or for any other purpose; and yet this bill is as clear an attempt to make the institutions as any in which the people themselves could engage.

In view of this action of Congress, the house of representatives of the Territory have earnestly protested against being forced into the Union without first having the question submitted to the people. Nothing could be more reasonable than the position which they thus assume; and it certainly can not be the purpose of Congress to force upon a community against their will a government which they do not believe themselves capable of sustaining.

The following is a copy of the protest alluded to as officially transmitted to me:

> Whereas it is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union: Therefore,
>
> *Resolved by the house of representatives of the Territory*, That, representing, as we do, the last and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State without first having the question submitted to a vote of the people, for the reasons, first, that we have a right to a voice in the selection of the character of our government; second, that we have not a sufficient population to support the expenses of a State government. For these reasons we trust that Congress will not force upon us a government against our will.

Upon information which I considered reliable, I assumed in my message of the 15th of May last that the population of Colorado was not more than 30,000, and expressed the opinion that this number was entirely too small either to assume the responsibilities or to enjoy the privileges of a State.

It appears that previous to that time the legislature, with a view to ascertain the exact condition of the Territory, had passed a law authorizing a census of the population to be taken. The law made it the duty of the assessors in the several counties to take the census in connection with the annual assessments, and, in order to secure a correct enumeration of the population, allowed them a liberal compensation for the service by paying them for every name returned, and added to their previous oath of office an oath to perform this duty with fidelity.

From the accompanying official report it appears that returns have been received from fifteen of the eighteen counties into which the State is divided, and that their population amounts in the aggregate to 24,909. The three remaining counties are estimated to contain 3,000, making a total population of 27,909.

This census was taken in the summer season, when it is claimed that the population is much larger than at any other period, as in the autumn miners in large numbers leave their work and return to the East with the results of their summer enterprise.

The population, it will be observed, is but slightly in excess of one-fifth of the number required as the basis of representation for a single Congressional district in any of the States—the number being 127,000.

I am unable to perceive any good reason for such great disparity in the right of representation, giving, as it would, to the people of Colorado

not only this vast advantage in the House of Representatives, but an equality in the Senate, where the other States are represented by millions. With perhaps a single exception, no such inequality as this has ever before been attempted. I know that it is claimed that the population of the different States at the time of their admission has varied at different periods, but it has not varied much more than the population of each decade and the corresponding basis of representation for the different periods.

The obvious intent of the Constitution was that no State should be admitted with a less population than the ratio for a Representative at the time of application. The limitation in the second section of the first article of the Constitution, declaring that "each State shall have at least one Representative," was manifestly designed to protect the States which originally composed the Union from being deprived, in the event of a waning population, of a voice in the popular branch of Congress, and was never intended as a warrant to force a new State into the Union with a representative population far below that which might at the time be required of sister members of the Confederacy. This bill, in view of the prohibition of the same section, which declares that "the number of Representatives shall not exceed one for every 30,000," is at least a violation of the spirit if not the letter of the Constitution.

It is respectfully submitted that however Congress, under the pressure of circumstances, may have admitted two or three States with less than a representative population at the time, there has been no instance in which an application for admission has ever been entertained when the population, as officially ascertained, was below 30,000.

Were there any doubt of this being the true construction of the Constitution, it would be dispelled by the early and long-continued practice of the Federal Government. For nearly sixty years after the adoption of the Constitution no State was admitted with a population believed at the time to be less than the current ratio for a Representative, and the first instance in which there appears to have been a departure from the principle was in 1845, in the case of Florida. Obviously the result of sectional strife, we would do well to regard it as a warning of evil rather than as an example for imitation; and I think candid men of all parties will agree that the inspiring cause of the violation of this wholesome principle of restraint is to be found in a vain attempt to balance these antagonisms, which refused to be reconciled except through the bloody arbitrament of arms. The plain facts of our history will attest that the great and leading States admitted since 1845, viz, Iowa, Wisconsin, California, Minnesota, and Kansas, including Texas, which was admitted that year, have all come with an ample population for one Representative, and some of them with nearly or quite enough for two.

To demonstrate the correctness of my views on this question, I subjoin a table containing a list of the States admitted since the adoption of the

Federal Constitution, with the date of admission, the ratio of representation, and the representative population when admitted, deduced from the United States census tables, the calculation being made for the period of the decade corresponding with the date of admission.

Colorado, which it is now proposed to admit as a State, contains, as has already been stated, a population less than 28,000, while the present ratio of representation is 127,000.

There can be no reason that I can perceive for the admission of Colorado that would not apply with equal force to nearly every other Territory now organized; and I submit whether, if this bill become a law, it will be possible to resist the logical conclusion that such Territories as Dakota, Montana, and Idaho must be received as States whenever they present themselves, without regard to the number of inhabitants they may respectively contain. Eight or ten new Senators and four or five new members of the House of Representatives would thus be admitted to represent a population scarcely exceeding that which in any other portion of the nation is entitled to but a single member of the House of Representatives, while the average for two Senators in the Union, as now constituted, is at least 1,000,000 people. It would surely be unjust to all other sections of the Union to enter upon a policy with regard to the admission of new States which might result in conferring such a disproportionate share of influence in the National Legislature upon communities which, in pursuance of the wise policy of our fathers, should for some years to come be retained under the fostering care and protection of the National Government. If it is deemed just and expedient now to depart from the settled policy of the nation during all its history, and to admit all the Territories to the rights and privileges of States, irrespective of their population or fitness for such government, it is submitted whether it would not be well to devise such measures as will bring the subject before the country for consideration and decision. This would seem to be eminently wise, because, as has already been stated, if it is right to admit Colorado now there is no reason for the exclusion of the other Territories.

It is no answer to these suggestions that an enabling act was passed authorizing the people of Colorado to take action on this subject. It is well known that that act was passed in consequence of representations that the population reached, according to some statements, as high as 80,000, and to none less than 50,000, and was growing with a rapidity which by the time the admission could be consummated would secure a population of over 100,000. These representations proved to have been wholly fallacious, and in addition the people of the Territory by a deliberate vote decided that they would not assume the responsibilities of a State government. By that decision they utterly exhausted all power that was conferred by the enabling act, and there has been no step taken since in relation to the admission that has had the slightest sanction or warrant of law.

The proceeding upon which the present application is based was in the utter absence of all law in relation to it, and there is no evidence that the votes on the question of the formation of a State government bear any relation whatever to the sentiment of the Territory. The protest of the house of representatives previously quoted is conclusive evidence to the contrary.

But if none of these reasons existed against this proposed enactment, the bill itself, besides being inconsistent in its provisions in conferring power upon a person unknown to the laws and who may never have a legal existence, is so framed as to render its execution almost impossible. It is, indeed, a question whether it is not in itself a nullity. To say the least, it is of exceedingly doubtful propriety to confer the power proposed in this bill upon the "governor elect," for as by its own terms the constitution is not to take effect until after the admission of the State, he in the meantime has no more authority than any other private citizen. But even supposing him to be clothed with sufficient authority to convene the legislature, what constitutes the "State legislature" to which is to be referred the submission of the conditions imposed by Congress? Is it a new body to be elected and convened by proclamation of the "governor elect," or is it that body which met more than a year ago under the provisions of the State constitution? By reference to the second section of the schedule and to the eighteenth section of the fourth article of the State constitution it will be seen that the term of the members of the house of representatives and that of one-half of the members of the senate expired on the first Monday of the present month. It is clear that if there were no intrinsic objections to the bill itself in relation to purposes to be accomplished this objection would be fatal, as it is apparent that the provisions of the third section of the bill to admit Colorado have reference to a period and a state of facts entirely different from the present and affairs as they now exist, and if carried into effect must necessarily lead to confusion.

Even if it were settled that the old and not a new body were to act, it would be found impracticable to execute the law, because a considerable number of the members, as I am informed, have ceased to be residents of the Territory, and in the sixty days within which the legislature is to be convened after the passage of the act there would not be sufficient time to fill the vacancies by new elections, were there any authority under which they could be held.

It may not be improper to add that if these proceedings were all regular and the result to be obtained were desirable, simple justice to the people of the Territory would require a longer period than sixty days within which to obtain action on the conditions proposed by the third section of the bill. There are, as is well known, large portions of the Territory with which there is and can be no general communication, there being several counties which from November to May can only be

reached by persons traveling on foot, while with other regions of the Territory, occupied by a large portion of the population, there is very little more freedom of access. Thus, if this bill should become a law, it would be impracticable to obtain any expression of public sentiment in reference to its provisions, with a view to enlighten the legislature, if the old body were called together, and, of course, equally impracticable to procure the election of a new body. This defect might have been remedied by an extension of the time and a submission of the question to the people, with a fair opportunity to enable them to express their sentiments.

The admission of a new State has generally been regarded as an epoch in our history marking the onward progress of the nation; but after the most careful and anxious inquiry on the subject I can not perceive that the proposed proceeding is in conformity with the policy which from the origin of the Government has uniformly prevailed in the admission of new States. I therefore return the bill to the Senate without my signature.

ANDREW JOHNSON.

States.	Admitted.	Ratio.	Population.
Vermont	1791	33,000	92,320
Kentucky	1792	33,000	95,638
Tennessee	1796	33,000	73,864
Ohio	1802	33,000	82,443
Louisiana	1812	35,000	75,212
Indiana	1816	35,000	98,110
Mississippi	1817	35,000	53,677
Illinois	1818	35,000	46,274
Alabama	1819	35,000	111,150
Maine	1820	35,000	298,335
Missouri	1821	35,000	69,260
Arkansas	1836	47,700	65,175
Michigan	1837	47,700	158,073
Florida	1845	70,680	57,951
Texas	1845	70,680	*189,327
Iowa	1846	70,680	132,527
Wisconsin	1848	70,680	250,497
California	1850	70,680	92,597
Oregon	1858	93,492	44,630
Minnesota	1859	93,492	138,909
Kansas	1861	93,492	107,206
West Virginia	1862	93,492	349,628
Nevada	1864	127,000	Not known.

*In 1850.

WASHINGTON, *January 29, 1867.*

To the Senate of the United States:

I return for reconsideration a bill entitled "An act for the admission of the State of Nebraska into the Union," which originated in the Senate and has received the assent of both Houses of Congress. A bill having

in view the same object was presented for my approval a few hours prior to the adjournment of the last session, but, submitted at a time when there was no opportunity for a proper consideration of the subject, I withheld my signature and the measure failed to become a law.

It appears by the preamble of this bill that the people of Nebraska, availing themselves of the authority conferred upon them by the act passed on the 19th day of April, 1864, "have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union." This proposed law would therefore seem to be based upon the declaration contained in the enabling act that upon compliance with its terms the people of Nebraska should be admitted into the Union upon an equal footing with the original States. Reference to the bill, however, shows that while by the first section Congress distinctly accepts, ratifies, and confirms the Constitution and State government which the people of the Territory have formed for themselves, declares Nebraska to be one of the United States of America, and admits her into the Union upon an equal footing with the original States in all respects whatsoever, the third section provides that this measure "shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete." This condition is not mentioned in the original enabling act; was not contemplated at the time of its passage; was not sought by the people themselves; has not heretofore been applied to the inhabitants of any State asking admission, and is in direct conflict with the constitution adopted by the people and declared in the preamble "to be republican in its form of government," for in that instrument the exercise of the elective franchise and the right to hold office are expressly limited to white citizens of the United States. Congress thus undertakes to authorize and compel the legislature to change a constitution which, it is declared in the preamble, has received the sanction of the people, and which by this bill is "accepted, ratified, and confirmed" by the Congress of the nation.

The first and third sections of the bill exhibit yet further incongruity. By the one Nebraska is "admitted into the Union upon an equal footing

with the original States in all respects whatsoever," while by the other Congress demands as a condition precedent to her admission requirements which in our history have never been asked of any people when presenting a constitution and State government for the acceptance of the lawmaking power. It is expressly declared by the third section that the bill "shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person by reason of race or color, excepting Indians not taxed." Neither more nor less than the assertion of the right of Congress to regulate the elective franchise of any State hereafter to be admitted, this condition is in clear violation of the Federal Constitution, under the provisions of which, from the very foundation of the Government, each State has been left free to determine for itself the qualifications necessary for the exercise of suffrage within its limits. Without precedent in our legislation, it is in marked contrast with those limitations which, imposed upon States that from time to time have become members of the Union, had for their object the single purpose of preventing any infringement of the Constitution of the country.

If Congress is satisfied that Nebraska at the present time possesses sufficient population to entitle her to full representation in the councils of the nation, and that her people desire an exchange of a Territorial for a State government, good faith would seem to demand that she should be admitted without further requirements than those expressed in the enabling act, with all of which, it is asserted in the preamble, her inhabitants have complied. Congress may, under the Constitution, admit new States or reject them, but the people of a State can alone make or change their organic law and prescribe the qualifications requisite for electors. Congress, however, in passing the bill in the shape in which it has been submitted for my approval, does not merely reject the application of the people of Nebraska for present admission as a State into the Union, on the ground that the constitution which they have submitted restricts the exercise of the elective franchise to the white population, but imposes conditions which, if accepted by the legislature, may, without the consent of the people, so change the organic law as to make electors of all persons within the State without distinction of race or color. In view of this fact, I suggest for the consideration of Congress whether it would not be just, expedient, and in accordance with the principles of our Government to allow the people, by popular vote or through a convention chosen by themselves for that purpose, to declare whether or not they will accept the terms upon which it is now proposed to admit them into the Union. This course would not occasion much greater delay than that which the bill contemplates when it requires that the legislature shall be convened within thirty days after this measure shall have become a law for the purpose of considering and deciding the conditions which it imposes, and gains additional force when we consider that the proceedings attending

the formation of the State constitution were not in conformity with the provisions of the enabling act; that in an aggregate vote of 7,776 the majority in favor of the constitution did not exceed 100; and that it is alleged that, in consequence of frauds, even this result can not be received as a fair expression of the wishes of the people. As upon them must fall the burdens of a State organization, it is but just that they should be permitted to determine for themselves a question which so materially affects their interests. Possessing a soil and a climate admirably adapted to those industrial pursuits which bring prosperity and greatness to a people, with the advantage of a central position on the great highway that will soon connect the Atlantic and Pacific States, Nebraska is rapidly gaining in numbers and wealth, and may within a very brief period claim admission on grounds which will challenge and secure universal assent. She can therefore wisely and patiently afford to wait. Her population is said to be steadily and even rapidly increasing, being now generally conceded as high as 40,000, and estimated by some whose judgment is entitled to respect at a still greater number. At her present rate of growth she will in a very short time have the requisite population for a Representative in Congress, and, what is far more important to her own citizens, will have realized such an advance in material wealth as will enable the expenses of a State government to be borne without oppression to the taxpayer. Of new communities it may be said with special force—and it is true of old ones—that the inducement to emigrants, other things being equal, is in almost the precise ratio of the rate of taxation. The great States of the Northwest owe their marvelous prosperity largely to the fact that they were continued as Territories until they had grown to be wealthy and populous communities.

ANDREW JOHNSON.

WASHINGTON, *March 2, 1867.*

To the Senate of the United States:

I have carefully examined the bill "to regulate the tenure of certain civil offices." The material portion of the bill is contained in the first section, and is of the effect following, namely:

> That every person holding any civil office to which he has been appointed, by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been appointed by the President, with the advice and consent of the Senate, and duly qualified; and that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

These provisions are qualified by a reservation in the fourth section, "that nothing contained in the bill shall be construed to extend the term

of any office the duration of which is limited by law." In effect the bill provides that the President shall not remove from their places any of the civil officers whose terms of service are not limited by law without the advice and consent of the Senate of the United States. The bill in this respect conflicts, in my judgment, with the Constitution of the United States. The question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial authority and judicial commentators than it has been uniformly practiced upon by the legislative and executive departments of the Government. The question arose in the House of Representatives so early as the 16th of June, 1789, on the bill for establishing an Executive Department denominated "the Department of Foreign Affairs." The first clause of the bill, after recapitulating the functions of that officer and defining his duties, had these words: "To be removable from office by the President of the United States." It was moved to strike out these words and the motion was sustained with great ability and vigor. It was insisted that the President could not constitutionally exercise the power of removal exclusively of the Senate; that the Federalist so interpreted the Constitution when arguing for its adoption by the several States; that the Constitution had nowhere given the President power of removal, either expressly or by strong implication, but, on the contrary, had distinctly provided for removals from office by impeachment only.

A construction which denied the power of removal by the President was further maintained by arguments drawn from the danger of the abuse of the power; from the supposed tendency of an exposure of public officers to capricious removal to impair the efficiency of the civil service; from the alleged injustice and hardship of displacing incumbents dependent upon their official stations without sufficient consideration; from a supposed want of responsibility on the part of the President, and from an imagined defect of guaranties against a vicious President who might incline to abuse the power. On the other hand, an exclusive power of removal by the President was defended as a true exposition of the text of the Constitution. It was maintained that there are certain causes for which persons ought to be removed from office without being guilty of treason, bribery, or malfeasance, and that the nature of things demands that it should be so. "Suppose," it was said, "a man becomes insane by the visitation of God and is likely to ruin our affairs; are the hands of the Government to be confined from warding off the evil? Suppose a person in office not possessing the talents he was judged to have at the time of the appointment; is the error not to be corrected? Suppose he acquires vicious habits and incurable indolence or total neglect of the duties of his office, which shall work mischief to the public welfare; is there no way to arrest the threatened danger? Suppose he becomes odious and unpopular by reason of the measures he pursues—and this he

may do without committing any positive offense against the law; must he preserve his office in despite of the popular will? Suppose him grasping for his own aggrandizement and the elevation of his connections by every means short of the treason defined by the Constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquillity, plundering you of the means of defense, alienating the affections of your allies and promoting the spirit of discord; must the tardy, tedious, desultory road by way of impeachment be traveled to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principle of the Government? The nature of things, the great objects of society, the express objects of the Constitution itself, require that this thing should be otherwise. To unite the Senate with the President in the exercise of the power," it was said, "would involve us in the most serious difficulty. Suppose a discovery of any of those events should take place when the Senate is not in session; how is the remedy to be applied? The evil could be avoided in no other way than by the Senate sitting always." In regard to the danger of the power being abused if exercised by one man it was said "that the danger is as great with respect to the Senate, who are assembled from various parts of the continent, with different impressions and opinions;" "that such a body is more likely to misuse the power of removal than the man whom the united voice of America calls to the Presidential chair. As the nature of government requires the power of removal," it was maintained "that it should be exercised in this way by the hand capable of exerting itself with effect; and the power must be conferred on the President by the Constitution as the executive officer of the Government."

Mr. Madison, whose adverse opinion in the Federalist had been relied upon by those who denied the exclusive power, now participated in the debate. He declared that he had reviewed his former opinions, and he summed up the whole case as follows:

The Constitution affirms that the executive power is vested in the President. Are there exceptions to this proposition? Yes; there are. The Constitution says that in appointing to office the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we (that is, Congress) a right to extend this exception? I believe not. If the Constitution has invested all executive power in the President, I venture to assert that the Legislature has no right to diminish or modify his executive authority. The question now resolves itself into this: Is the power of displacing an executive power? I conceive that if any power whatsoever is in the Executive it is the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office by associating the Senate with him in that business, would it not be clear that he would have the right by virtue of his executive power to make such appointment? Should we be authorized in defiance of that clause in the Constitution, "The executive power shall be vested in the President," to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted that we should not be authorized to do this

I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first one is authorized by being excepted out of the general rule established by the Constitution in these words: "The executive power shall be vested in the President."

The question, thus ably and exhaustively argued, was decided by the House of Representatives, by a vote of 34 to 20, in favor of the principle that the executive power of removal is vested by the Constitution in the Executive, and in the Senate by the casting vote of the Vice-President.

The question has often been raised in subsequent times of high excitement, and the practice of the Government has, nevertheless, conformed in all cases to the decision thus early made.

The question was revived during the Administration of President Jackson, who made, as is well recollected, a very large number of removals, which were made an occasion of close and rigorous scrutiny and remonstrance. The subject was long and earnestly debated in the Senate, and the early construction of the Constitution was, nevertheless, freely accepted as binding and conclusive upon Congress.

The question came before the Supreme Court of the United States in January, 1839, *ex parte* Hennen. It was declared by the court on that occasion that the power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of the Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment; but it was very early adopted as a practical construction of the Constitution that this power was vested in the President alone, and such would appear to have been the legislative construction of the Constitution, for in the organization of the three great Departments of State, War, and Treasury, in the year 1789, provision was made for the appointment of a subordinate officer by the head of the Department, who should have charge of the records, books, and papers appertaining to the office when the head of the Department should be removed from office by the President of the United States. When the Navy Department was established, in the year 1798, provision was made for the charge and custody of the books, records, and documents of the Department in case of vacancy in the office of Secretary by removal or otherwise. It is not here said "by removal of the President," as is done with respect to the heads of the other Departments, yet there can be no doubt that he holds his office with the same tenure as the other Secretaries and is removable by the

President. The change of phraseology arose, probably, from its having become the settled and well-understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer is by the President and Senate. (13 Peters, p. 139.)

Our most distinguished and accepted commentators upon the Constitution concur in the construction thus early given by Congress, and thus sanctioned by the Supreme Court. After a full analysis of the Congressional debate to which I have referred, Mr. Justice Story comes to this conclusion:

> After a most animated discussion, the vote finally taken in the House of Representatives was affirmative of the power of removal in the President, without any cooperation of the Senate, by the vote of 34 members against 20. In the Senate the clause in the bill affirming the power was carried by the casting vote of the Vice-President. That the final decision of this question so made was greatly influenced by the exalted character of the President then in office was asserted at the time and has always been believed; yet the doctrine was opposed as well as supported by the highest talents and patriotism of the country. The public have acquiesced in this decision, and it constitutes, perhaps, the most extraordinary case in the history of the Government of a power conferred by implication on the Executive by the assent of a bare majority of Congress which has not been questioned on many other occasions.

The commentator adds:

> Nor is this general acquiescence and silence without a satisfactory explanation.

Chancellor Kent's remarks on the subject are as follows:

> On the first organization of the Government it was made a question whether the power of removal in case of officers appointed to hold at pleasure resided nowhere but in the body which appointed, and, of course, whether the consent of the Senate was not requisite to remove. This was the construction given to the Constitution, while it was pending for ratification before the State conventions, by the author of the Federalist. But the construction which was given to the Constitution by Congress, after great consideration and discussion, was different. The words of the act [establishing the Treasury Department] are: "And whenever the same shall be removed from office by the President of the United States, or in any other case of vacancy in the office, the assistant shall act." This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as a decisive authority in the case. It applies equally to every other officer of the Government appointed by the President, whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of the department, because he is invested generally with the executive authority, and the participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty, and might often be requisite to fulfill it.

Thus has the important question presented by this bill been settled, in the language of the late Daniel Webster (who, while dissenting from it, admitted that it was settled), by construction, settled by precedent, settled

by the practice of the Government, and settled by statute. The events of the last war furnished a practical confirmation of the wisdom of the Constitution as it has hitherto been maintained in many of its parts, including that which is now the subject of consideration. When the war broke out, rebel enemies, traitors, abettors, and sympathizers were found in every Department of the Government, as well in the civil service as in the land and naval military service. They were found in Congress and among the keepers of the Capitol; in foreign missions; in each and all the Executive Departments; in the judicial service; in the post-office, and among the agents for conducting Indian affairs. Upon probable suspicion they were promptly displaced by my predecessor, so far as they held their offices under executive authority, and their duties were confided to new and loyal successors. No complaints against that power or doubts of its wisdom were entertained in any quarter. I sincerely trust and believe that no such civil war is likely to occur again. I can not doubt, however, that in whatever form and on whatever occasion sedition can raise an effort to hinder or embarrass or defeat the legitimate action of this Government, whether by preventing the collection of revenue, or disturbing the public peace, or separating the States, or betraying the country to a foreign enemy, the power of removal from office by the Executive, as it has heretofore existed and been practiced, will be found indispensable.

Under these circumstances, as a depositary of the executive authority of the nation, I do not feel at liberty to unite with Congress in reversing it by giving my approval to the bill. At the early day when this question was settled, and, indeed, at the several periods when it has subsequently been agitated, the success of the Constitution of the United States, as a new and peculiar system of free representative government, was held doubtful in other countries, and was even a subject of patriotic apprehension among the American people themselves. A trial of nearly eighty years, through the vicissitudes of foreign conflicts and of civil war, is confidently regarded as having extinguished all such doubts and apprehensions for the future. During that eighty years the people of the United States have enjoyed a measure of security, peace, prosperity, and happiness never surpassed by any nation. It can not be doubted that the triumphant success of the Constitution is due to the wonderful wisdom with which the functions of government were distributed between the three principal departments—the legislative, the executive, and the judicial—and to the fidelity with which each has confined itself or been confined by the general voice of the nation within its peculiar and proper sphere. While a just, proper, and watchful jealousy of executive power constantly prevails, as it ought ever to prevail, yet it is equally true that an efficient Executive, capable, in the language of the oath prescribed to the President, of executing the laws and, within the sphere of executive action, of preserving, protecting, and defending the Constitution of the United States, is an indispensable

security for tranquillity at home and peace, honor, and safety abroad. Governments have been erected in many countries upon our model. If one or many of them have thus far failed in fully securing to their people the benefits which we have derived from our system, it may be confidently asserted that their misfortune has resulted from their unfortunate failure to maintain the integrity of each of the three great departments while preserving harmony among them all.

Having at an early period accepted the Constitution in regard to the Executive office in the sense in which it was interpreted with the concurrence of its founders, I have found no sufficient grounds in the arguments now opposed to that construction or in any assumed necessity of the times for changing those opinions. For these reasons I return the bill to the Senate, in which House it originated, for the further consideration of Congress which the Constitution prescribes. Insomuch as the several parts of the bill which I have not considered are matters chiefly of detail and are based altogether upon the theory of the Constitution from which I am obliged to dissent, I have not thought it necessary to examine them with a view to make them an occasion of distinct and special objections.

Experience, I think, has shown that it is the easiest, as it is also the most attractive, of studies to frame constitutions for the self-government of free states and nations. But I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free constitutions of self-government when once happily established. I know no other way in which they can be preserved and maintained except by a constant adherence to them through the various vicissitudes of national existence, with such adaptations as may become necessary, always to be effected, however, through the agencies and in the forms prescribed in the original constitutions themselves.

Whenever administration fails or seems to fail in securing any of the great ends for which republican government is established, the proper course seems to be to renew the original spirit and forms of the Constitution itself.

ANDREW JOHNSON.

WASHINGTON, *March 2, 1867.*

To the House of Representatives:

I have examined the bill "to provide for the more efficient government of the rebel States" with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent, for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

The bill places all the people of the ten States therein named under the absolute domination of military rulers; and the preamble undertakes

to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as matter of fact?

It is not denied that the States in question have each of them an actual government, with all the powers—executive, judicial, and legislative—which properly belong to a free state. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing *de facto* government, exercising such functions as these, is itself the law of the state upon all matters within its jurisdiction. To pronounce the supreme law-making power of an established state illegal is to say that law itself is unlawful.

The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. There, as well as elsewhere, offenders sometimes escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war and by the rancorous passions which the contest has engendered. But that these people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the Southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit.

The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution

for ratification to negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.

The ten States named in the bill are divided into five districts. For each district an officer of the Army, not below the rank of a brigadier-general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals." The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way as in his discretion may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hindrance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own; and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private

passions in each case that arises. He is bound by no rules of evidence; there is, indeed, no provision by which he is authorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record or make any report of his proceedings. He may arrest his victims wherever he finds them, without warrant, accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment, he gives it of his grace and mercy, not because he is commanded so to do.

To a casual reader of the bill it might seem that some kind of trial was secured by it to persons accused of crime, but such is not the case. The officer "may allow local civil tribunals to try offenders," but of course this does not require that he shall do so. If any State or Federal court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, he can break it up and punish the judges and jurors as being themselves malefactors. He can save his friends from justice, and despoil his enemies contrary to justice.

It is also provided that "he shall have power to organize military commissions or tribunals;" but this power he is not commanded to exercise. It is merely permissive, and is to be used only "when in his judgment it may be necessary for the trial of offenders." Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescribe its mode of proceeding, appoint its members from his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making it more cruel and unjust.

Several provisions dictated by the humanity of Congress have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that purpose. The fourth section provides: First. That trials shall not be unnecessarily delayed; but I think I have shown that the power is given to punish without trial; and if so, this provision is practically inoperative. Second. Cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand or follow a rule expressed in language so purely technical and not pertaining in the least degree to their profession? If not, then each officer may define cruelty according to his own temper, and if it is not usual he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and all the almost insupportable forms of torture invented for military punishment lie within the range of choice. Third. The sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of

death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear, under this bill, that the military commander may condemn to death without even the form of a trial by a military commission, so that the life of the condemned may depend upon the will of two men instead of one.

It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.

It may be answered to this that the officers of the Army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted in human hands. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny where the rulers who exercise it are strangers to their subjects and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and, though tempered at first by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power and sent them to the southern departments of the Republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by law.

The men of our race in every age have struggled to tie up the hands of their governments and keep them within the law, because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and paternal sway, but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the people subjected to his domination there can be nothing but enmity;

he punishes them if they resist his authority, and if they submit to it he hates them for their servility.

I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, Certainly not, if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

This proposition is perfectly clear, that no branch of the Federal Government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids.

Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people—the innocent as well as the guilty—to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law. If an insurrection should take place in one of our States against the authority of the State government and end in the overthrow of those who planned it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly outlawed and deprived of their representation in the legislature? I have always contended that the Government of the United States was sovereign within its constitutional sphere; that it executed its laws, like the States themselves, by applying its coercive power directly to individuals, and that it could put down insurrection with the same effect as a State and no other. The opposite doctrine is the worst heresy of those who advocated secession, and can not be agreed to without admitting that heresy to be right.

Invasion, insurrection, rebellion, and domestic violence were anticipated when the Government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it

was not thought necessary to declare that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably suppressed, occurred prior to that out of which these questions grow; but the States continued to exist and the Union remained unbroken. In Massachusetts, in Pennsylvania, in Rhode Island, and in New York, at different periods in our history, violent and armed opposition to the United States was carried on; but the relations of those States with the Federal Government were not supposed to be interrupted or changed thereby after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a determination to withdraw from the Union, but it is also true that in the Southern States the ordinances of secession were treated by all the friends of the Union as mere nullities and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity or that they did in fact take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the Government.

This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended "for the more efficient government" of these ten States. It is recited by way of preamble that no legal State governments "nor adequate protection for life or property" exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in *ex parte* Milligan.

I will first quote from the opinion of the majority of the court:

> Martial law can not arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration.

We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes

martial law operate as though we were in actual war, and becomes the *cause* instead of the *consequence* of the abrogation of civil authority. One more quotation:

It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, *then*, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course.

I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase:

We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail.

This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and, if possible, more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as follows:

There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of the States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress can not be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights.

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitution there is but one that can prevail in time of peace, and that is the code of laws enacted by Congress for the government of the national forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militia in time of peace. But this bill is not a part of that sort of military law, for that applies only to the soldier and not to the citizen, whilst, contrariwise, the military law provided by this bill applies only to the citizen and not to the soldier.

I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured to every freeman or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretense. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing more is needed. To what extent a violation of it might be excused in time of war or public danger may admit of discussion, but we are providing now for a time of profound peace, when there is not an armed soldier within our borders except those who are in the service of the Government. It is in such a condition of things that an act of Congress is proposed which, if carried out, would deny a trial by the lawful courts and juries to 9,000,000 American citizens and to their posterity for an indefinite period. It seems to be scarcely possible that anyone should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have that right and that no person shall ever in any case be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury." This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that "no person shall be deprived of life, liberty, or property without due process of law." This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that "the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it;" whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial "without unnecessary delay." He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in ten States and puts the life, property, liberty, and honor of all the people in each of them under the domination of a single person clothed with unlimited authority?

The Parliament of England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative enactment. The person accused had a hearing, sometimes a patient and fair one, but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The fathers of our country determined that no such thing should occur here. They withheld the power from Congress, and thus forbade its exercise by that body, and they provided in the Constitution that no State should pass any bill of attainder. It is therefore impossible for any person in this country to be constitutionally convicted or punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against 9,000,000 people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

The purpose and object of the bill—the general intent which pervades it from beginning to end—is to change the entire structure and character of the State governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the negroes is an arbitrary violation of this principle.

This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, take martial law first, *then* deliberate. And when they have done all that this measure requires them to do other conditions

and contingencies over which they have no control yet remain to be fulfilled before they can be relieved from martial law. Another Congress must first approve the Constitution made in conformity with the will of this Congress and must declare these States entitled to representation in both Houses. The whole question thus remains open and unsettled and must again occupy the attention of Congress; and in the meantime the agitation which now prevails will continue to disturb all portions of the people.

The bill also denies the legality of the governments of ten of the States which participated in the ratification of the amendment to the Federal Constitution abolishing slavery forever within the jurisdiction of the United States and practically excludes them from the Union. If this assumption of the bill be correct, their concurrence can not be considered as having been legally given, and the important fact is made to appear that the consent of three-fourths of the States—the requisite number—has not been constitutionally obtained to the ratification of that amendment, thus leaving the question of slavery where it stood before the amendment was officially declared to have become a part of the Constitution.

That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit of the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible.

In the first place, it is the only system of free government which we can hope to have as a nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

It is the best frame of government the world ever saw. No other is or can be so well adapted to the genius, habits, or wants of the American people. Combining the strength of a great empire with unspeakable blessings of local self-government, having a central power to defend the general interests, and recognizing the authority of the States as the guardians of industrial rights, it is "the sheet anchor of our safety abroad and our peace at home." It was ordained "to form a more perfect union, establish justice, insure domestic tranquillity, promote the general welfare, provide for the common defense, and secure the blessings of liberty to ourselves and to our posterity." These great ends have been attained heretofore, and will be again by faithful obedience to it; but they are certain to be lost if we treat with disregard its sacred obligations.

It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of four years' duration. Shall we now acknowledge that we sacrificed a million

of lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law and that their rights of property, life, and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal government we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden, and Sidney. No; let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I can not voluntarily become a party.

The evils which spring from the unsettled state of our Government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions

they would be found broad enough and strong enough to sustain in time of peace the nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guaranties of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." Thus, as heretofore urged, "in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress." "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union." And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States and threaten the subversion of the General Government? All that is necessary to settle this simple but important question without further agitation or delay is a willingness on the part of all to sustain the Constitution and carry its provisions into practical operation. If to-morrow either branch of Congress would declare that upon the presentation of their credentials members constitutionally elected and loyal to the General Government would be admitted to seats in Congress, while all others would be excluded and their places remain vacant until the selection by the people of loyal and qualified persons, and if at the same time assurance were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children.

At present ten States are denied representation, and when the Fortieth Congress assembles on the 4th day of the present month sixteen States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

ANDREW JOHNSON.

PROCLAMATIONS.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas exequaturs were heretofore issued to the following-named persons at the dates mentioned and for the places specified, recognizing them as consular officers, respectively, of the Kingdom of Hanover, of the Electorate of Hesse, of the Duchy of Nassau, and of the city of Frankfort, and declaring them free to exercise and enjoy functions, powers, and privileges under the said exequaturs, viz:

FOR THE KINGDOM OF HANOVER.

Julius Frederich, consul at Galveston, Tex., July 28, 1848.
Otto Frank, consul at San Francisco, Cal., July 9, 1850.
Augustus Reichard, consul at New Orleans, La., January 22, 1853.
Kauffmann H. Muller, consul at Savannah, Ga., June 28, 1854.
G. C. Baurmeister, consul at Charleston, S. C., April 21, 1856.
Adolph Gosling, consul-general at New York, November 7, 1859.
G. W. Hennings, vice-consul at New York, July 2, 1860.
George Papendiek, consul at Boston, November 3, 1863.
Francis A. Hoffmann, consul at Chicago, July 26, 1864.
Carl C. Schöttler, consul at Philadelphia, Pa., September 23, 1864.
A. Rettberg, consul at Cleveland, Ohio, September 27, 1864.
A. C. Wilmaus, consul at Milwaukee, Wis., October 7, 1864.
Adolph Meier, consul at St. Louis, Mo., October 7, 1864.
Theodor Schwartz, consul at Louisville, Ky., October 12, 1864.
Carl F. Adae, consul at Cincinnati, Ohio, October 20, 1864.
Werner Dresel, consul at Baltimore, Md., July 25, 1866.

FOR THE ELECTORATE OF HESSE.

Theodor Wagner, consul at Galveston, Tex., March 7, 1857.
Clamor Friedrich Hagedorn, consul at Philadelphia, February 14, 1862.
Werner Dresel, consul at Baltimore, Md., September 26, 1864.
Friedrich Kuhne, consul at New York, September 30, 1864.
Richard Thiele, consul at New Orleans, La., October 18, 1864.
Carl Adae, consul at Cincinnati, Ohio, October 20, 1864.
Robert Barth, consul at St. Louis, Mo., April 11, 1865.
C. F. Mebius, consul at San Francisco, Cal., May 3, 1865.

FOR THE DUCHY OF NASSAU.

Wilhelm A. Kobbe, consul-general for the United States at New York, November 19, 1846.
Friedrich Wilhelm Freudenthal, consul for Louisiana at New Orleans, January 22, 1852.
Franz Moureau, consul for the western half of Texas at New Braunfels, April 6, 1857.
Carl C. Finkler, consul for California at San Francisco, May 21, 1864.
Ludwig von Baumbach, consul for Wisconsin, September 27, 1864.
Otto Cuntz, consul for Massachusetts at Boston, October 7, 1864.
Friedrich Kuhne, consul at New York, September 30, 1864.
Carl F. Adae, consul for the State of Ohio, October 20, 1864.
Robert Barth, consul for Missouri, April 18, 1865.

FOR THE CITY OF FRANKFORT.

John H. Harjes, consul at Philadelphia, Pa., September 27, 1864.
F. A. Reuss, consul at St. Louis, Mo., September 30, 1864.
A. C. Wilmanns, consul for Wisconsin at Milwaukee, October 7, 1864.
Francis A. Hoffmann, consul for Chicago, Ill., October 12, 1864.
Carl F. Adae, consul for Ohio and Indiana, October 20, 1864.
Jacob Julius de Neufville, consul in New York, July 3, 1866.

And whereas the said countries, namely, the Kingdom of Hanover, the Electorate of Hesse, the Duchy of Nassau, and the city of Frankfort, have, in consequence of the late war between Prussia and Austria, been united to the Crown of Prussia; and

Whereas His Majesty the King of Prussia has requested of the President of the United States that the aforesaid exequaturs may, in consequence of the before-recited premises, be revoked:

Now, therefore, these presents do declare that the above-named consular officers are no longer recognized, and that the exequaturs heretofore granted to them are hereby declared to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand at the city of Washington, this 19th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 22d day of March, 1866, having been issued to Gerhard Janssen, recognizing him as consul of Oldenburg for New York and declaring him free to exercise and enjoy such functions,

powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Oldenburg and the United States, and the said Janssen having refused to appear in the supreme court of the State of New York to answer in a suit there pending against himself and others on the plea that he is a consular officer of Oldenburg, thus seeking to use his official position to defeat the ends of justice, it is deemed advisable that the said Gerhard Janssen should no longer be permitted to continue in the exercise of said functions, powers, and privileges.

These are therefore to declare that I no longer recognize the said Gerhard Janssen as consul of Oldenburg for New York and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to consuls of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand at Washington, this 26th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of France, through the Marquis de Montholon, his envoy extraordinary and minister plenipotentiary, that vessels belonging to citizens of the United States entering any port of France or of its dependencies on or after the 1st day of January, 1867, will not be subjected to the payment of higher duties on tonnage than are levied upon vessels belonging to citizens of France entering the said ports:

Now, therefore, I, Andrew Johnson, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after the said 1st day of January, 1867, so long as vessels of the United States shall be admitted to French ports on the terms aforesaid, French vessels entering ports of the United States will be subject to no higher rates of duty on tonnage than are levied upon vessels of the United States in the ports thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, in virtue of the power conferred by the act of Congress approved June 22, 1860, sections 15 and 24 of which act were designed by proper provisions to secure the strict neutrality of citizens of the United States residing in or visiting the Empires of China and Japan, a notification was issued on the 4th of August last by the legation of the United States in Japan, through the consulates of the open ports of that Empire, requesting American shipmasters not to approach the coasts of Suwo and Nagato pending the then contemplated hostilities between the Tycoon of Japan and the Daimio of the said Provinces; and

Whereas authentic information having been received by the said legation that such hostilities had actually commenced, a regulation in furtherance of the aforesaid notification and pursuant to the act referred to was issued by the minister resident of the United States in Japan forbidding American merchant vessels from stopping or anchoring at any port or roadstead in that country except the three opened ports, viz, Kanagawa (Yokohama), Nagasaki, and Hakodate, unless in distress or forced by stress of weather, as provided by treaty, and giving notice that masters of vessels committing a breach of the regulation would thereby render themselves liable to prosecution and punishment and also to forfeiture of the protection of the United States if the visit to such nonopened port or roadstead should either involve a breach of treaty or be construed as an act in aid of insurrection or rebellion:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, with a view to prevent acts which might injuriously affect the relations existing between the Government of the United States and that of Japan, do hereby call public attention to the aforesaid notification and regulation, which are hereby sanctioned and confirmed.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of January, A. D. 1867, and of the Independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Majesty the King of the Hawaiian Islands, through an official communication of His Majesty's minister of foreign relations under date of the 10th of December, 1866, that no other or higher duties of tonnage and impost are imposed or levied in the ports of the Hawaiian Islands upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Hawaiian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Johnson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the Hawaiian Islands and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of the Hawaiian Islands and from any other foreign country whatever, the said suspension to take effect from the said 10th day of December and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of the Hawaiian

Islands in the same, as aforesaid, shall be continued on the part of the Government of His Majesty the King of the Hawaiian Islands.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 29th day of January, A. D. 1867, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 19th day of April, 1864, authorize the people of the Territory of Nebraska to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States upon certain conditions in said act specified; and

Whereas said people did adopt a constitution conforming to the provisions and conditions of said act and ask admission into the Union; and

Whereas the Congress of the United States did on the 8th and 9th days of February, 1867, in mode prescribed by the Constitution, pass a further act for the admission of the State of Nebraska into the Union, in which last-named act it was provided that it should not take effect except upon the fundamental condition that within the State of Nebraska there should be no denial of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed, and upon the further fundamental condition that the legislature of said State, by a solemn public act, should declare the assent of said State to the said fundamental condition and should transmit to the President of the United States an authenticated copy of said act of the legislature of said State, upon receipt whereof the President, by proclamation, should forthwith announce the fact, whereupon said fundamental condition should be held as a part of the organic law of the State, and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union should be considered as complete; and

Whereas within the time prescribed by said act of Congress of the 8th and 9th of February, 1867, the legislature of the State of Nebraska did pass an act ratifying the said act of Congress of the 8th and 9th of February, 1867, and declaring that the aforenamed provisions of the third

section of said last-named act of Congress should be a part of the organic law of the State of Nebraska; and

Whereas a duly authenticated copy of said act of the legislature of the State of Nebraska has been received by me:

Now, therefore, I, Andrew Johnson, President of the United States of America, do, in accordance with the provisions of the act of Congress last herein named, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Nebraska to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereto set my hand and have caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of March, A. D. 1867, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

[NOTE.—The Fortieth Congress, first session, met March 4, 1867, in accordance with the act of January 22, 1867, and on March 30, in accordance with the concurrent resolution of March 29, adjourned to July 3. The Senate met in special session April 1, in conformity to the proclamation of the President of the United States of March 30, and on April 20 adjourned without day. The Fortieth Congress, first session, again met July 3, and on July 20, in accordance with the concurrent resolution of the latter date, adjourned to November 21; again met November 21, and on December 2, 1867, in accordance with the concurrent resolution of November 26, adjourned without day.]

SPECIAL MESSAGES.

MARCH 11, 1867.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th of July last, a report from the Secretary of State, with accompanying documents.*

ANDREW JOHNSON.

*Correspondence since March 4, 1857, touching the claim to military service asserted by France and Prussia in reference to persons born in those countries, but who have since become citizens of the United States.

WASHINGTON CITY, *March 13, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded this day between the United States and the chiefs and headmen of the Kickapoo tribe of Indians.

A letter of the Secretary of the Interior and a copy of a letter of the Commissioner of Indian Affairs, explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in this city on the 15th instant [ultimo] between the United States and the Stockbridge and Munsee tribes of Indians.

A letter of the Secretary of the Interior of the 25th instant [ultimo] and a copy of a communication from the Commissioner of Indian Affairs of the 19th instant [ultimo], explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in this city on the 23d instant [ultimo] between the United States and the following tribes of Indians, viz: The Senecas, the confederated Senecas and Shawnees, the Quapaws, the Ottawas, the confederated Peorias, Kaskaskias, Weas and Piankeshaws, and the Miamis.

A letter of the Secretary of the Interior of the 26th instant [ultimo] and a copy of a letter of the Commissioner of Indian Affairs of the 25th instant [ultimo], explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 2d March, 1866, between the United States and the Shawnee tribe of Indians of Kansas.

A letter of the Secretary of the Interior of the 6th instant and a copy of a communication from the Commissioner of Indian Affairs of the 2d instant, explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 27th instant [ultimo] between the United States and the Pottawatomie tribe of Indians.

A letter of the Secretary of the Interior of the 28th instant [ultimo] and a copy of a communication from the Commissioner of Indian Affairs of the 27th instant [ultimo], explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon a treaty concluded in this city on the 13th instant [ultimo] between the United States and the Kansas or Kaw tribe of Indians.

A letter of the Secretary of the Interior of the 25th instant [ultimo] and a copy of a communication of the 19th instant [ultimo] from the Commissioner of Indian Affairs, explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, *March 13, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty this day concluded between the United States and the Cherokee Nation of Indians, providing for the sale of their lands in Kansas, known as the "Cherokee neutral lands."

A letter of the Secretary of the Interior and accompanying copy of a letter from the Commissioner of Indian Affairs of this date, in relation to the treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *March 14, 1867.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, in further answer to the resolution* of the House of Representatives of the 24th of January last.

ANDREW JOHNSON.

*Requesting information "in relation to a removal of the Protestant Church or religious assembly meeting at the American embassy from the city of Rome by an order of that Government."

WASHINGTON, *March 15, 1867.*

To the Senate of the United States:

I transmit to the Senate, in further answer to their resolution of the 31st of January last, a report from the Secretary of State, with accompanying documents.*

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 18th instant, a report† from the Secretary of State, with its accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 18th instant, a report‡ from the Secretary of State, with an accompanying paper.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 15th instant, reports§ from the Secretary of State and the Secretary of the Treasury, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 7th instant, relative to the arrest, imprisonment, and treatment of American citizens in Great Britain or its Provinces, I transmit a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 21, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 19th of March, 1867, between the United States and the Chippewa tribe of Indians of the Mississippi.

*Dispatch from the United States consul at Geneva, with an inclosure, refuting charges against his moral character, etc.

†Relating to trials in Canada of citizens of the United States for complicity in the Fenian invasion of that country.

‡Relating to the withdrawal of French troops from the Mexican Republic.

§Relating to the fees of consular agents within the districts of salaried consuls, etc.

A letter of the Secretary of the Interior and a copy of a letter of Hon. Lewis V. Bogy, special commissioner, of the 20th instant, explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 30, 1867.*

To the House of Representatives:

In giving my approval to the joint resolution providing for the expenses of carrying into full effect an act entitled "An act to provide for the more efficient government of the rebel States," I am moved to do so for the following reason: The seventh section of the act supplementary to the act for the more efficient government of the rebel States provides that the expenses incurred under or by virtue of that act shall be paid out of any moneys in the Treasury not otherwise appropriated. This provision is wholly unlimited as to the amount to be expended, whereas the resolution now before me limits the appropriation to $500,000. I consider this limitation as a very necessary check against unlimited expenditure and liabilities. Yielding to that consideration, I feel bound to approve this resolution, without modifying in any manner any objections heretofore stated against the original and supplemental acts.

ANDREW JOHNSON.

WASHINGTON, *March 30, 1867.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and His Majesty the Emperor of all the Russias upon the subject of a cession of territory by the latter to the former, which treaty was this day signed in this city by the plenipotentiaries of the parties.

ANDREW JOHNSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on Monday, the 1st day of April next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Andrew Johnson, President of the United States,

have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Monday, the 1st day of April next, at 12 o'clock on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 30th day of March, A. D. 1867, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

SPECIAL MESSAGES.

[The following messages were sent to the special session of the Senate.]

WASHINGTON, *March 28, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 20th instant, a report* from the Secretary of State, with accompanying documents.

ANDREW JOHNSON.

WASHINGTON, *April 12, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 10th instant, calling for information relative to prisoners of war taken by belligerents in the Mexican Republic, a report from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1867.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th of January last, requesting certain information in regard to governors, secretaries, and judges of Territories, I transmit herewith reports† from the Secretary of State, the Secretary of the Interior, and the Attorney-General.

ANDREW JOHNSON.

*Relating to the exequatur of the consul of the Grand Duchy of Oldenburg residing at New York.

†Relating to the absence of Territorial officers from their posts of duty.

WASHINGTON, *April 15, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 13th instant, a report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *April 16, 1867.*

To the Senate of the United States:

I transmit herewith reports from the heads of the several Executive Departments, in answer to the resolution of the Senate of the 11th instant, requesting "copies of any official opinions which may have been given by the Attorney-General, the Solicitor of the Treasury, or by any other officer of the Government on the interpretation of the act of Congress regulating the tenure of office, and especially with regard to appointments by the President during the recess of Congress."

ANDREW JOHNSON.

[The following messages were sent to the Fortieth Congress, first session.]

WASHINGTON, *July 5, 1867.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for commercial reciprocity between the United States and His Majesty the King of the Hawaiian Islands, which convention was signed by the plenipotentiaries of the parties in the city of San Francisco on the 21st day of May last.

ANDREW JOHNSON.

WASHINGTON, *July 5, 1867.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a convention between the United States and the Republic of Venezuela for the adjustment of claims of citizens of the United States on the Government of that Republic. The ratifications of this convention were exchanged at Caracas on the 10th of April last. As its first article stipulates that the commissioners shall meet in that city within four months from that date, the expediency of passing the usual act for the purpose of carrying the convention into effect will, of course, engage the attention of Congress.

ANDREW JOHNSON.

*Relating to the absence of Governor Alexander Cumming from the Territory of Colorado since his appointment as governor.

WASHINGTON, *July 6, 1867.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a treaty between the United States and His Majesty the Emperor of all the Russias, the ratifications of which were exchanged in this city on the 20th day of June last.

This instrument provides for a cession of territory to the United States in consideration of the payment of $7,200,000 in gold. The attention of Congress is invited to the subject of an appropriation for this payment, and also to that of proper legislation for the occupation and government of the territory as a part of the dominion of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 6, 1867.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States, Great Britain, France, the Netherlands, and Japan, concluded at Yedo on the 25th of June, 1866.

ANDREW JOHNSON.

WASHINGTON, *July 8, 1867.*

To the House of Representatives:

I transmit herewith a report from the Attorney-General, additional to the reports submitted by him December 31, 1866, and March 2, 1867, in reply to a resolution of the House of Representatives of December 10, 1866, requesting "a list of names of all persons engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate government, and the position if he shall have held any civil office under said so-called Confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reasons for granting such pardon, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *July 9, 1867.*

To the House of Representatives

In compliance with the resolution of the House of Representatives of the 5th of July, requesting the President "to inform the House what States have ratified the amendment to the Constitution of the United States proposed by concurrent resolution of the two Houses of Congress, June 16, 1866," I transmit a report from the Secretary of State.

ANDREW JOHNSON.

To the House of Representatives: WASHINGTON, *July 10, 1867.*

In compliance with so much of the resolution of the House of Representatives of the 8th instant as requests information in regard to certain agreements said to have been entered into between the United States, European and West Virginia Land and Mining Company and certain reputed agents of the Republic of Mexico, I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

To the House of Representatives: WASHINGTON, *July 11, 1867.*

In compliance with the resolution of the House of Representatives of the 3d instant, requesting me to transmit all the official correspondence between the Department of State and the Hon. Lewis D. Campbell, late minister to Mexico, and also that with his successor, I communicate a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *July 12, 1867.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 8th instant, requesting me to transmit "all the official correspondence between the Department of State and the Hon. Lewis D. Campbell, late minister of the United States to the Republic of Mexico, from the time of his appointment, also the correspondence of the Department with his successor," I communicate herewith a report on the subject from the Secretary of State, from which it appears that the correspondence called for by the Senate has already been communicated to the House of Representatives.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 15, 1867.*

To the Senate of the United States:

I transmit herewith reports from the Secretary of War and the Attorney-General, containing the information called for by the resolution of the Senate of the 3d instant, requesting the President "to communicate to the Senate copies of all orders, instructions, circular letters, or letters of advice issued to the respective military officers assigned to the command of the several military districts under the act passed March 2, 1867, entitled 'An act to provide for the more efficient government of the rebel States,' and the act supplementary thereto, passed March 23, 1867; also copies of all opinions given to him by the Attorney-General of the United States touching the construction and interpretation of said acts, and of all correspondence relating to the operation, construction, or execution

of said acts that may have taken place between himself and any of said commanders, or between him and the General of the Army, or between the latter and any of said commanders, touching the same subjects; also copies of all orders issued by any of said commanders in carrying out the provisions of said acts or either of them; also that he inform the Senate what progress has been made in the matter of registration under said acts, and whether the sum of money heretofore appropriated for carrying them out is probably sufficient."

In answer to that portion of the resolution which inquires whether the sum of money heretofore appropriated for carrying these acts into effect is probably sufficient, reference is made to the accompanying report of the Secretary of War. It will be seen from that report that the appropriation of $500,000 made in the act approved March 30, 1867, for the purpose of carrying into effect the "Act to provide for the more efficient government of the rebel States," passed March 2, 1867, and the act supplementary thereto, passed March 23, 1867, has already been expended by the commanders of the several military districts, and that, in addition, the sum of $1,648,277 is required for present purposes.

It is exceedingly difficult at the present time to estimate the probable expense of carrying into full effect the two acts of March last and the bill which passed the two Houses of Congress on the 13th instant. If the existing governments of ten States of the Union are to be deposed and their entire machinery is to be placed under the exclusive control and authority of the respective district commanders, all the expenditures incident to the administration of such governments must necessarily be incurred by the Federal Government. It is believed that, in addition to the $2,100,000 already expended or estimated for, the sum which would be required for this purpose would not be less than $14,000,000—the aggregate amount expended prior to the rebellion in the administration of their respective governments by the ten States embraced in the provisions of these acts. This sum would no doubt be considerably augmented if the machinery of these States is to be operated by the Federal Government, and would be largely increased if the United States, by abolishing the existing State governments, should become responsible for liabilities incurred by them before the rebellion in laudable efforts to develop their resources, and in no wise created for insurrectionary or revolutionary purposes. The debts of these States, thus legitimately incurred, when accurately ascertained will, it is believed, approximate $100,000,000; and they are held not only by our own citizens, among whom are residents of portions of the country which have ever remained loyal to the Union, but by persons who are the subjects of foreign governments. It is worthy the consideration of Congress and the country whether, if the Federal Government by its action were to assume such obligations, so large an addition to our public expenditures would not seriously impair the credit of the nation, or, on the other hand, whether the refusal of Congress to

guarantee the payment of the debts of these States, after having displaced or abolished their State governments, would not be viewed as a violation of good faith and a repudiation by the national legislature of liabilities which these States had justly and legally incurred.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1867.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 8th instant, requesting me to furnish to that body copies of any correspondence on the files of the Department of State relating to any recent events in Mexico, I communicate a report from the Secretary of State, with the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1867.*

To the House of Representatives:

In compliance with that part of the resolution of the House of Representatives of the 8th instant which requests me to transmit to the House of Representatives any official correspondence or other information relating to the capture and execution of Maximilian and the arrest and reported execution of Santa Anna in Mexico, I inclose herewith a report from the Secretary of State, from which it appears that the correspondence called for by the House of Representatives has already been communicated to the Senate of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1867.*

To the House of Representatives:

I have received a resolution adopted by the House of Representatives on the 8th instant, inquiring "whether the publication which appeared in the National Intelligencer and other public prints on the 21st of June last, and which contained a statement of the proceedings of the President and Cabinet in respect to an interpretation of the acts of Congress commonly known as the reconstruction acts, was made by the authority of the President or with his knowledge and consent," and "whether the full and complete record or minute of all the proceedings, conclusions, and determinations of the President and Cabinet relating to said acts of Congress and their interpretation is embraced or given in said publication," and also requesting that "a true copy of the full and complete record or minute of such proceedings, conclusions, and determinations in regard to the interpretation of said reconstruction acts" be furnished to the House.

In compliance with the request of the House of Representatives, I have to state that the publication to which the resolution refers was made by proper authority, and that it comprises the proceedings in Cabinet relating

to the acts of Congress mentioned in the inquiry, upon which, after taking the opinions of the heads of the several Executive Departments of the Government, I had announced my own conclusions. Other questions arising from these acts have been under consideration, upon which, however, no final conclusion has been reached. No publication in reference to them has, therefore, been authorized by me; but should it at any time be deemed proper and advantageous to the interests of the country to make public those or any other proceedings of the Cabinet, authority for their promulgation will be given by the President.

A correct copy of the record of the proceedings, published in the National Intelligencer and other newspapers on the 21st ultimo, is herewith transmitted, together with a copy of the instructions based upon the conclusions of the President and Cabinet and sent to the commanders of the several military districts created by act of Congress of March 2, 1867.

ANDREW JOHNSON.

IN CABINET, *June 18, 1867.*

Present: The President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Acting Secretary of the Interior.

The President announced that he had under consideration the two opinions from the Attorney-General as to the legal questions arising upon the acts of Congress commonly known as the reconstruction acts, and that in view of the great magnitude of the subject and of the various interests involved he deemed it proper to have it considered fully in the Cabinet and to avail himself of all the light which could be afforded by the opinions and advice of the members of the Cabinet, to enable him to see that these laws be faithfully executed and to decide what orders and instructions are necessary and expedient to be given to the military commanders.

The President said further that the branch of the subject that seemed to him first in order for consideration was as to the instructions to be sent to the military commanders for their guidance and for the guidance of persons offering for registration. The instructions proposed by the Attorney-General, as set forth in the summary contained in his last opinion, will therefore be now considered.

The summary was then read at length.

The reading of the summary having been concluded, each section was then considered, discussed, and voted upon as follows:

1. The oath prescribed in the supplemental act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

All vote "aye" except the Secretary of War, who votes "nay."

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath, nor to administer any oath to any other person touching the qualifications of the applicant or the falsity of the oath so taken by him.

No provision is made for challenging the qualifications of the applicant or entering upon any trial or investigation of his qualifications, either by witnesses or any other form of proof.

All vote "aye" except the Secretary of War, who votes "nay."

3. As to citizenship and residence:

The applicant for registration must be a citizen of the State and of the United

States, and must be a resident of a county or parish included in the election district. He may be registered if he has been such citizen for a period less than twelve months at the time he applies for registration, but he can not vote at any election unless his citizenship has then extended to the full term of one year. As to such a person, the exact length of his citizenship should be noted opposite his name on the list, so that it may appear on the day of election, upon reference to the list, whether the full term has then been accomplished.

Concurred in unanimously.

4. An unnaturalized person can not take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required from him.

All vote "aye" except the Secretary of War, who votes "nay."

5. No one who is not 21 years of age at the time of registration can take the oath, for he must swear that he has then attained that age.

Concurred in unanimously.

6. No one who has been disfranchised for participation in any rebellion against the United States or for felony committed against the laws of any State or of the United States can take this oath.

The actual participation in a rebellion or the actual commission of a felony does not amount to disfranchisement. The sort of disfranchisement here meant is that which is declared by law passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for participation in rebellion alone; nor is it known that any such law exists in either of these ten States, except, perhaps, Virginia, as to which State special instructions will be given.

All vote "aye" except the Secretary of War, who dissents as to the second and third paragraphs.

7. As to disfranchisement arising from having held office followed by participation in rebellion:

This is the most important part of the oath, and requires strict attention to arrive at its meaning. The applicant must swear or affirm as follows:

"That I have never been a member of any State legislature, nor held any executive or judicial office in any State, and afterwards engaged in an insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof."

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office and taken the oath to support the Federal Constitution and has not afterwards engaged in rebellion is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

All vote "aye" except the Secretary of War, who votes "nay."

8. Officers of the United States:

As to these the language is without limitation. The person who has at any time prior to the rebellion held any office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.

Concurred in unanimously.

9. Militia officers of any State prior to the rebellion are not subject to disqualification.

All vote "aye" except the Secretary of War, who votes "nay."

10. Municipal officers—that is to say, officers of incorporated cities, towns, and villages, such as mayors, aldermen, town council, police, and other city or town officers—are not subject to disqualification.

Concurred in unanimously.

11. Persons who have prior to the rebellion been members of the Congress of the United States or members of a State legislature are subject to disqualification, but those who have been members of conventions framing or amending the constitution of a State prior to the rebellion are not subject to disqualification.

Concurred in unanimously.

12. All the executive or judicial officers of any State who took an oath to support the Constitution of the United States are subject to disqualification, including county officers. They are subject to disqualification if they were required to take as a part of their official oath the oath to support the Constitution of the United States.

Concurred in unanimously.

13. Persons who exercised mere employments under State authority are not disqualified; such as commissioners to lay out roads, commissioners of public works, visitors of State institutions, directors of State institutions, examiners of banks, notaries public, commissioners to take acknowledgments of deeds.

Concurred in unanimously; but the Secretary of State, the Secretary of the Treasury, and the Secretary of War express the opinion that lawyers are such officers as are disqualified if they participated in the rebellion. Two things must exist as to any person to disqualify him from voting: First, the office held prior to the rebellion, and, afterwards, participation in the rebellion.

14. An act to fix upon a person the offense of engaging in rebellion under this law must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose. A person forced into the rebel service by conscription or under a paramount authority which he could not safely disobey, and who would not have entered such service if left to the free exercise of his own will, can not be held to be disqualified from voting.

All vote "aye" except the Secretary of War, who votes "nay" as the proposition is stated.

15. Mere acts of charity, where the intent is to relieve the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify; but organized contributions of food and clothing for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their unlawful object, may be classed with acts which do disqualify. Forced contributions to the rebel cause in the form of taxes or military assessments, which a person was compelled to pay or contribute, do not disqualify; but voluntary contributions to the rebel cause, even such indirect contributions as arise from the voluntary loan of money to the rebel authorities or purchase of bonds or securities created to afford the means of carrying on the rebellion, will work disqualification.

Concurred in unanimously.

16. All those who in legislative or other official capacity were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congresses, and legislatures, diplomatic agents of the rebel Confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities or whose duties appertained to the support of the rebel cause, must be held to be disqualified; but officers who during the rebellion discharged official duties not incident to war, but only such duties as belong even to a state of peace and were

necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify, but where a person has by speech or writing incited others to engage in rebellion he must come under the disqualification.

All vote "aye" except the Secretary of War, who dissents to the second paragraph, with the exception of the words "where a person has by speech or by writing incited others to engage in rebellion he must come under the disqualification."

17. The duties of the board appointed to superintend the elections.

This board, having the custody of the list of registered voters in the district for which it is constituted, must see that the name of the person offering to vote is found upon the registration list, and if such proves to be the fact it is the duty of the board to receive his vote if then qualified by residence. They can not receive the vote of any person whose name is not upon the list, though he may be ready to take the registration oath, and although he may satisfy them that he was unable to have his name registered at the proper time, in consequence of absence, sickness, or other cause.

The board can not enter into any inquiry as to the qualifications of any person whose name is not on the registration list, or as to the qualifications of any person whose name is on that list.

Concurred in unanimously.

18. The mode of voting is provided in the act to be by ballot. The board will keep a record and poll book of the election, showing the votes, list of voters, and the persons elected by a plurality of the votes cast at the election, and make returns of these to the commanding general of the district.

Concurred in unanimously.

19. The board appointed for registration and for superintending the elections must take the oath prescribed by the act of Congress approved July 2, 1862, entitled "An act to prescribe an oath of office."

Concurred in unanimously.

IN CABINET, *June 20, 1867.*

Present: The same Cabinet officers as on the 18th, except the Acting Secretary of the Interior.

The President announced to the Cabinet that after full deliberation he concurred with the majority upon the sections of the summary upon which the Secretary of War expressed his dissent, and that he concurred with the Cabinet upon those sections approved by unanimous vote; that as it appeared the military commanders entertained doubts upon the points covered by the summary, and as their action hitherto had not been uniform, he deemed it proper, without further delay, to communicate in a general order* to the respective commanders the points set forth in the summary.

VETO MESSAGES.

WASHINGTON, *March 23, 1867.*

To the House of Representatives:

I have considered the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration," and now return it to the House of Representatives with my objections.

This bill provides for elections in the ten States brought under the operation of the original act to which it is supplementary. Its details are

*See Executive order of June 20, 1867, pp. 3730-3734.

principally directed to the elections for the formation of the State constitutions, but by the sixth section of the bill "all elections" in these States occurring while the original act remains in force are brought within its purview. Referring to these details, it will be found that, first of all, there is to be a registration of the voters. No one whose name has not been admitted on the list is to be allowed to vote at any of these elections. To ascertain who is entitled to registration, reference is made necessary, by the express language of the supplement, to the original act and to the pending bill. The fifth section of the original act provides, as to voters, that they shall be "male citizens of the State, 21 years old and upward, of whatever race, color, or previous condition, who have been residents of said State for one year." This is the general qualification, followed, however, by many exceptions. No one can be registered, according to the original act, "who may be disfranchised for participation in the rebellion"—a provision which left undetermined the question as to what amounted to disfranchisement, and whether without a judicial sentence the act itself produced that effect. This supplemental bill superadds an oath, to be taken by every person before his name can be admitted upon the registration, that he has "not been disfranchised for participation in any rebellion or civil war against the United States." It thus imposes upon every person the necessity and responsibility of deciding for himself, under the peril of punishment by a military commission if he makes a mistake, what works disfranchisement by participation in rebellion and what amounts to such participation. Almost every man—the negro as well as the white—above 21 years of age who was resident in these ten States during the rebellion, voluntarily or involuntarily, at some time and in some way did participate in resistance to the lawful authority of the General Government. The question with the citizen to whom this oath is to be proposed must be a fearful one, for while the bill does not declare that perjury may be assigned for such false swearing nor fix any penalty for the offense, we must not forget that martial law prevails; that every person is answerable to a military commission, without previous presentment by a grand jury, for any charge that may be made against him, and that the supreme authority of the military commander determines the question as to what is an offense and what is to be the measure of punishment.

The fourth section of the bill provides "that the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons." The only qualification stated for these officers is that they must be "loyal." They may be persons in the military service or civilians, residents of the State or strangers. Yet these persons are to exercise most important duties and are vested with unlimited discretion. They are to decide what names shall be placed upon the register and from their decision there is to be no appeal. They are to superintend the elections and to decide all ques-

tions which may arise. They are to have the custody of the ballots and to make return of the persons elected. Whatever frauds or errors they may commit must pass without redress. All that is left for the commanding general is to receive the returns of the elections, open the same, and ascertain who are chosen "according to the returns of the officers who conducted said elections." By such means and with this sort of agency are the conventions of delegates to be constituted.

As the delegates are to speak for the people, common justice would seem to require that they should have authority from the people themselves. No convention so constituted will in any sense represent the wishes of the inhabitants of these States, for under the all-embracing exceptions of these laws, by a construction which the uncertainty of the clause as to disfranchisement leaves open to the board of officers, the great body of the people may be excluded from the polls and from all opportunity of expressing their own wishes or voting for delegates who will faithfully reflect their sentiments.

I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give my approval to such an election law for any purpose, and especially for the great purpose of framing the constitution of a State. If ever the American citizen should be left to the free exercise of his own judgment it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it can not properly be taken out of his hands. All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution except such as may be arbitrarily dictated by Congress and formed under the restraint of military rule. A plain statement of facts makes this evident.

In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not "loyal and republican," and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the constitution of a State "loyal and republican"? The original act answers the question: It is universal negro suffrage—a question which the Federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now than when these States, four of which were members of the original thirteen, first became members of the Union.

Congress does not now demand that a single provision of their constitutions be changed except such as confine suffrage to the white population. It is apparent, therefore, that these provisions do not conform to the standard of republicanism which Congress seeks to establish. That

there may be no mistake, it is only necessary that reference should be made to the original act, which declares "such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates." What class of persons is here meant clearly appears in the same section; that is to say, "the male citizens of said State 21 years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election."

Without these provisions no constitution which can be framed in any one of the ten States will be of any avail with Congress. This, then, is the test of what the constitution of a State of this Union must contain to make it republican. Measured by such a standard, how few of the States now composing the Union have republican constitutions! If in the exercise of the constitutional guaranty that Congress shall secure to every State a republican form of government universal suffrage for blacks as well as whites is a *sine qua non*, the work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina.

When I contemplate the millions of our fellow-citizens of the South with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement—and white disfranchisement, it may be, almost as complete—or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guaranties of our Federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any people can be reduced. It is true that they have been engaged in rebellion and that their object being a separation of the States and a dissolution of the Union there was an obligation resting upon every loyal citizen to treat them as enemies and to wage war against their cause.

Inflexibly opposed to any movement imperiling the integrity of the Government, I did not hesitate to urge the adoption of all measures necessary for the suppression of the insurrection. After a long and terrible struggle the efforts of the Government were triumphantly successful, and the people of the South, submitting to the stern arbitrament, yielded forever the issues of the contest. Hostilities terminated soon after it became my duty to assume the responsibilities of the chief executive officer of the Republic, and I at once endeavored to repress and control the passions which our civil strife had engendered, and, no longer regarding these erring millions as enemies, again acknowledged them as our friends and our countrymen. The war had accomplished its objects. The nation was saved and that seminal principle of mischief which from the birth of the Government had gradually but inevitably brought on the rebellion was totally eradicated. Then, it seemed to me, was the auspicious time to commence the work of reconciliation; then, when these people sought once more our friendship and protection, I considered

it our duty generously to meet them in the spirit of charity and forgiveness and to conquer them even more effectually by the magnanimity of the nation than by the force of its arms. I yet believe that if the policy of reconciliation then inaugurated, and which contemplated an early restoration of these people to all their political rights, had received the support of Congress, every one of these ten States and all their people would at this moment be fast anchored in the Union and the great work which gave the war all its sanction and made it just and holy would have been accomplished. Then over all the vast and fruitful regions of the South peace and its blessings would have prevailed, while now millions are deprived of rights guaranteed by the Constitution to every citizen and after nearly two years of legislation find themselves placed under an absolute military despotism. "A military republic, a government founded on mock elections and supported only by the sword," was nearly a quarter of a century since pronounced by Daniel Webster, when speaking of the South American States, as "a movement, indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical systems;" and he added:

> If men would enjoy the blessings of republican government, they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty, for frames of government to be prescribed by military leaders and the right of suffrage to be exercised at the point of the sword.

I confidently believe that a time will come when these States will again occupy their true positions in the Union. The barriers which now seem so obstinate must yield to the force of an enlightened and just public opinion, and sooner or later unconstitutional and oppressive legislation will be effaced from our statute books. When this shall have been consummated, I pray God that the errors of the past may be forgotten and that once more we shall be a happy, united, and prosperous people, and that at last, after the bitter and eventful experience through which the nation has passed, we shall all come to know that our only safety is in the preservation of our Federal Constitution and in according to every American citizen and to every State the rights which that Constitution secures.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 10, 1867.**

The first session of the Fortieth Congress adjourned on the 30th day of March, 1867. This bill,† which was passed during that session, was not

* Pocket veto. Was never sent to Congress, but was deposited in the Department of State.

† "Joint resolution placing certain troops of Missouri on an equal footing with others as to bounties."

presented for my approval by the Hon. Edmund G. Ross, of the Senate of the United States, and a member of the Committee on Enrolled Bills, until Monday, the 1st day of April, 1867, two days after the adjournment. It is not believed that the approval of any bill after the adjournment of Congress, whether presented before or after such adjournment, is authorized by the Constitution of the United States, that instrument expressly declaring that no bill shall become a law the return of which may have been prevented by the adjournment of Congress. To concede that under the Constitution the President, after the adjournment of Congress, may, without limitation in respect to time, exercise the power of approval, and thus determine at his discretion whether or not bills shall become laws, might subject the executive and legislative departments of the Government to influences most pernicious to correct legislation and sound public morals, and—with a single exception, occurring during the prevalence of civil war—would be contrary to the established practice of the Government from its inauguration to the present time. This bill will therefore be filed in the office of the Secretary of State without my approval.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 19, 1867.*

To the House of Representatives of the United States:

I return herewith the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the 2d day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867," and will state as briefly as possible some of the reasons which prevent me from giving it my approval.

This is one of a series of measures passed by Congress during the last four months on the subject of reconstruction. The message returning the act of the 2d of March last states at length my objections to the passage of that measure. They apply equally well to the bill now before me, and I am content merely to refer to them and to reiterate my conviction that they are sound and unanswerable.

There are some points peculiar to this bill, which I will proceed at once to consider.

The first section purports to declare "the true intent and meaning," in some particulars, of the two prior acts upon this subject.

It is declared that the intent of those acts was, first, that the existing governments in the ten "rebel States" "were not legal State governments," and, second, "that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts and to the paramount authority of Congress."

Congress may by a declaratory act fix upon a prior act a construction altogether at variance with its apparent meaning, and from the time, at

least, when such a construction is fixed the original act will be construed to mean exactly what it is stated to mean by the declaratory statute. There will be, then, from the time this bill may become a law no doubt, no question, as to the relation in which the "existing governments" in those States, called in the original act "the provisional governments," stand toward the military authority. As those relations stood before the declaratory act, these "governments," it is true, were made subject to absolute military authority in many important respects, but not in all, the language of the act being "subject to the military authority of the United States, as hereinafter prescribed." By the sixth section of the original act these governments were made "in all respects subject to the paramount authority of the United States."

Now by this declaratory act it appears that Congress did not by the original act intend to limit the military authority to any particulars or subjects therein "prescribed," but meant to make it universal. Thus over all of these ten States this military government is now declared to have unlimited authority. It is no longer confined to the preservation of the public peace, the administration of criminal law, the registration of voters, and the superintendence of elections, but "in all respects" is asserted to be paramount to the existing civil governments.

It is impossible to conceive any state of society more intolerable than this; and yet it is to this condition that 12,000,000 American citizens are reduced by the Congress of the United States. Over every foot of the immense territory occupied by these American citizens the Constitution of the United States is theoretically in full operation. It binds all the people there and should protect them; yet they are denied every one of its sacred guaranties.

Of what avail will it be to any one of these Southern people when seized by a file of soldiers to ask for the cause of arrest or for the production of the warrant? Of what avail to ask for the privilege of bail when in military custody, which knows no such thing as bail? Of what avail to demand a trial by jury, process for witnesses, a copy of the indictment, the privilege of counsel, or that greater privilege, the writ of *habeas corpus?*

The veto of the original bill of the 2d of March was based on two distinct grounds—the interference of Congress in matters strictly appertaining to the reserved powers of the States and the establishment of military tribunals for the trial of citizens in time of peace. The impartial reader of that message will understand that all that it contains with respect to military despotism and martial law has reference especially to the fearful power conferred on the district commanders to displace the criminal courts and assume jurisdiction to try and to punish by military boards; that, potentially, the suspension of the *habeas corpus* was martial law and military despotism. The act now before me not only declares that the intent was to confer such military authority, but also to confer unlimited

military authority over all the other courts of the State and over all the officers of the State—legislative, executive, and judicial. Not content with the general grant of power, Congress, in the second section of this bill, specifically gives to each military commander the power "to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under any so-called State, or the government thereof, or any municipal or other division thereof."

A power that hitherto all the departments of the Federal Government, acting in concert or separately, have not dared to exercise is here attempted to be conferred on a subordinate military officer. To him, as a military officer of the Federal Government, is given the power, supported by "a sufficient military force," to remove every civil officer of the State. What next? The district commander, who has thus displaced the civil officer, is authorized to fill the vacancy by the detail of an officer or soldier of the Army, or by the appointment of "some other person."

This military appointee, whether an officer, a soldier, or "some other person," is to perform "the duties of such officer or person so suspended or removed." In other words, an officer or soldier of the Army is thus transformed into a civil officer. He may be made a governor, a legislator, or a judge. However unfit he may deem himself for such civil duties, he must obey the order. The officer of the Army must, if "detailed," go upon the supreme bench of the State with the same prompt obedience as if he were detailed to go upon a court-martial. The soldier, if detailed to act as a justice of the peace, must obey as quickly as if he were detailed for picket duty.

What is the character of such a military civil officer? This bill declares that he shall perform the duties of the civil office to which he is detailed. It is clear, however, that he does not lose his position in the military service. He is still an officer or soldier of the Army; he is still subject to the rules and regulations which govern it, and must yield due deference, respect, and obedience toward his superiors.

The clear intent of this section is that the officer or soldier detailed to fill a civil office must execute its duties according to the laws of the State. If he is appointed a governor of a State, he is to execute the duties as provided by the laws of that State, and for the time being his military character is to be suspended in his new civil capacity. If he is appointed a State treasurer, he must at once assume the custody and disbursement of the funds of the State, and must perform those duties precisely according to the laws of the State, for he is intrusted with no other official duty or other official power. Holding the office of treasurer and intrusted with funds, it happens that he is required by the State laws to enter into bond with security and to take an oath of office; yet from the beginning

of the bill to the end there is no provision for any bond or oath of office, or for any single qualification required under the State law, such as residence, citizenship, or anything else. The only oath is that provided for in the ninth section, by the terms of which everyone detailed or appointed to any civil office in the State is required "to take and to subscribe the oath of office prescribed by law for officers of the United States." Thus an officer of the Army of the United States detailed to fill a civil office in one of these States gives no official bond and takes no official oath for the performance of his new duties, but as a civil officer of the State only takes the same oath which he had already taken as a military officer of the United States. He is, at last, a military officer performing civil duties, and the authority under which he acts is Federal authority only; and the inevitable result is that the Federal Government, by the agency of its own sworn officers, in effect assumes the civil government of the State.

A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by Federal officers, who are to perform the very duties imposed on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a *legal* State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an *illegal* State government by the same Federal agency.

In this connection I must call attention to the tenth and eleventh sections of the bill, which provide that none of the officers or appointees of these military commanders "shall be bound in his action by any opinion of any civil officer of the United States," and that all the provisions of the act "shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

It seems Congress supposed that this bill might require construction, and they fix, therefore, the rule to be applied. But where is the construction to come from? Certainly no one can be more in want of instruction than a soldier or an officer of the Army detailed for a civil service, perhaps the most important in a State, with the duties of which he is altogether unfamiliar. This bill says he shall not be bound in his action by the opinion of any civil officer of the United States. The duties of the office are altogether civil, but when he asks for an opinion he can only ask the opinion of another military officer, who, perhaps, understands as little of his duties as he does himself; and as to his "action," he is answerable to the military authority, and to the military authority alone. Strictly, no opinion of any civil officer other than a judge has a binding force.

But these military appointees would not be bound even by a judicial opinion. They might very well say, even when their action is in conflict

with the Supreme Court of the United States, "That court is composed of civil officers of the United States, and we are not bound to conform our action to any opinion of any such authority."

This bill and the acts to which it is supplementary are all founded upon the assumption that these ten communities are not States and that their existing governments are not legal. Throughout the legislation upon this subject they are called "rebel States," and in this particular bill they are denominated "so-called States," and the vice of illegality is declared to pervade all of them. The obligations of consistency bind a legislative body as well as the individuals who compose it. It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

As to the other constitutional amendment, having reference to suffrage, it happens that these States have not accepted it. The consequence is that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United

New National Museum

States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both Houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal-revenue laws all these States are districted, not as "Territories," but as "States."

So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States. That august tribunal, from first to last, in the administration of its duties *in banc* and upon the circuit, has never failed to recognize these ten communities as legal States of the Union. The cases depending in that court upon appeal and writ of error from these States when the rebellion began have not been dismissed upon any idea of the cessation of jurisdiction. They were carefully continued from term to term until the rebellion was entirely subdued and peace reestablished, and then they were called for argument and consideration as if no insurrection had intervened. New cases, occurring since the rebellion, have come from these States before that court by writ of error and appeal, and even by original suit, where only "a State" can bring such a suit. These cases are entertained by that tribunal in the exercise of its acknowledged jurisdiction, which could not attach to them if they had come from any political body other than a State of the Union. Finally, in the allotment of their circuits made by the judges at the December term, 1865, every one of these States is put on the same footing of legality with all the other States of the Union. Virginia and North Carolina, being a part of the fourth circuit, are allotted to the Chief Justice. South Carolina, Georgia, Alabama, Mississippi, and Florida constitute the fifth circuit, and are allotted to the late Mr. Justice Wayne. Louisiana, Arkansas, and Texas are allotted to the sixth judicial circuit, as to which there is a vacancy on the bench.

The Chief Justice, in the exercise of his circuit duties, has recently held a circuit court in the State of North Carolina. If North Carolina is not a State of this Union, the Chief Justice had no authority to hold a court there, and every order, judgment, and decree rendered by him in that court were *coram non judice* and void.

Another ground on which these reconstruction acts are attempted to be sustained is this: That these ten States are conquered territory; that the constitutional relation in which they stood as States toward the Federal Government prior to the rebellion has given place to a new relation; that their territory is a conquered country and their citizens a conquered people, and that in this new relation Congress can govern them by military power.

A title by conquest stands on clear ground; it is a new title acquired by war; it applies only to territory; for goods or movable things regularly captured in war are called "booty," or, if taken by individual soldiers, "plunder."

There is not a foot of the land in any one of these ten States which the United States holds by conquest, save only such land as did not belong to either of these States or to any individual owner. I mean such lands as did belong to the pretended government called the Confederate States. These lands we may claim to hold by conquest. As to all other land or territory, whether belonging to the States or to individuals, the Federal Government has now no more title or right to it than it had before the rebellion. Our own forts, arsenals, navy-yards, custom-houses, and other Federal property situate in those States we now hold, not by the title of conquest, but by our old title, acquired by purchase or condemnation for public use, with compensation to former owners. We have not conquered these places, but have simply "repossessed" them.

If we require more sites for forts, custom-houses, or other public use, we must acquire the title to them by purchase or appropriation in the regular mode. At this moment the United States, in the acquisition of sites for national cemeteries in these States, acquires title in the same way. The Federal courts sit in court-houses owned or leased by the United States, not in the court-houses of the States. The United States pays each of these States for the use of its jails. Finally, the United States levies its direct taxes and its internal revenue upon the property in these States, including the productions of the lands within their territorial limits, not by way of levy and contribution in the character of a conqueror, but in the regular way of taxation, under the same laws which apply to all the other States of the Union.

From first to last, during the rebellion and since, the title of each of these States to the lands and public buildings owned by them has never been disturbed, and not a foot of it has ever been acquired by the United States, even under a title by confiscation, and not a foot of it has ever been taxed under Federal law.

In conclusion I must respectfully ask the attention of Congress to the consideration of one more question arising under this bill. It vests in the military commander, subject only to the approval of the General of the Army of the United States, an unlimited power to remove from office any civil or military officer in each of these ten States, and the further power, subject to the same approval, to detail or appoint any military officer or soldier of the United States to perform the duties of the officer so removed, and to fill all vacancies occurring in those States by death, resignation, or otherwise.

The military appointee thus required to perform the duties of a civil office according to the laws of the State, and, as such, required to take an oath, is for the time being a civil officer. What is his character? Is

he a civil officer of the State or a civil officer of the United States? If he is a civil officer of the State, where is the Federal power under our Constitution which authorizes his appointment by any Federal officer? If, however, he is to be considered a civil officer of the United States, as his appointment and oath would seem to indicate, where is the authority for his appointment vested by the Constitution? The power of appointment of all officers of the United States, civil or military, where not provided for in the Constitution, is vested in the President, by and with the advice and consent of the Senate, with this exception, that Congress "may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments." But this bill, if these are to be considered inferior officers within the meaning of the Constitution, does not provide for their appointment by the President alone, or by the courts of law, or by the heads of Departments, but vests the appointment in one subordinate executive officer, subject to the approval of another subordinate executive officer. So that, if we put this question and fix the character of this military appointee either way, this provision of the bill is equally opposed to the Constitution.

Take the case of a soldier or officer appointed to perform the office of judge in one of these States, and, as such, to administer the proper laws of the State. Where is the authority to be found in the Constitution for vesting in a military or an executive officer strict judicial functions to be exercised under State law? It has been again and again decided by the Supreme Court of the United States that acts of Congress which have attempted to vest *executive* powers in the *judicial* courts or judges of the United States are not warranted by the Constitution. If Congress can not clothe *a judge* with merely *executive* duties, how can they clothe *an officer* or *soldier* of the Army with *judicial* duties over citizens of the United States who are not in the military or naval service? So, too, it has been repeatedly decided that Congress can not require a State officer, executive or judicial, to perform any duty enjoined upon him by a law of the United States. How, then, can Congress confer power upon an executive officer of the United States to perform such duties in a State? If Congress could not vest in a judge of one of these States any judicial authority under the United States by direct enactment, how can it accomplish the same thing indirectly, by removing the State judge and putting an officer of the United States in his place?

To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress.

Within a period less than a year the legislation of Congress has attempted to strip the executive department of the Government of some of its essential powers. The Constitution and the oath provided in it devolve upon the President the power and duty to see that the laws are

faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the power to exercise that constitutional duty is effectually taken away. The military commander is as to the power of appointment made to take the place of the President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the Army.

If there were no other objection than this to this proposed legislation, it would be sufficient. Whilst I hold the chief executive authority of the United States, whilst the obligation rests upon me to see that all the laws are faithfully executed, I can never willingly surrender that trust or the powers given for its execution. I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust, vested by the Constitution in the President, is to be taken from him and vested in a subordinate officer, the responsibility will be with Congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise.

This interference with the constitutional authority of the executive department is an evil that will inevitably sap the foundations of our federal system; but it is not the worst evil of this legislation. It is a great public wrong to take from the President powers conferred on him alone by the Constitution, but the wrong is more flagrant and more dangerous when the powers so taken from the President are conferred upon subordinate executive officers, and especially upon military officers. Over nearly one-third of the States of the Union military power, regulated by no fixed law, rules supreme. Each one of the five district commanders, though not chosen by the people or responsible to them, exercises at this hour more executive power, military and civil, than the people have ever been willing to confer upon the head of the executive department, though chosen by and responsible to themselves. The remedy must come from the people themselves. They know what it is and how it is to be applied. At the present time they can not, according to the forms of the Constitution, repeal these laws; they can not remove or control this military despotism. The remedy is, nevertheless, in their hands; it is to be found in the ballot, and is a sure one if not controlled by fraud, overawed by arbitrary power, or, from apathy on their part, too long delayed. With abiding confidence in their patriotism, wisdom, and integrity, I am still

hopeful of the future, and that in the end the rod of despotism will be broken, the armed heel of power lifted from the necks of the people, and the principles of a violated Constitution preserved.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 19, 1867.*

To the House of Representatives:

For reasons heretofore stated in my several veto messages to Congress upon the subject of reconstruction, I return without my approval the "Joint resolution to carry into effect the several acts providing for the more efficient government of the rebel States," and appropriating for that purpose the sum of $1,000,000.

ANDREW JOHNSON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the Constitution of the United States the executive power is vested in a President of the United States of America, who is bound by solemn oath faithfully to execute the office of President and to the best of his ability to preserve, protect, and defend the Constitution of the United States, and is by the same instrument made Commander in Chief of the Army and Navy of the United States and is required to take care that the laws be faithfully executed; and

Whereas by the same Constitution it is provided that the said Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, and the judges in every State shall be bound thereby; and

Whereas in and by the same Constitution the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and the aforesaid judicial power is declared to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and the treaties which shall be made under their authority; and

Whereas all officers, civil and military, are bound by oath that they will support and defend the Constitution against all enemies, foreign and domestic, and will bear true faith and allegiance to the same; and

Whereas all officers of the Army and Navy of the United States, in accepting their commissions under the laws of Congress and the Rules and Articles of War, incur an obligation to observe, obey, and follow such directions as they shall from time to time receive from the President or the General or other superior officers set over them according to the rules and discipline of war; and

Whereas it is provided by law that whenever, by reason of unlawful

obstructions, combinations, or assemblages of persons or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, the Executive in that case is authorized and required to secure their faithful execution by the employment of the land and naval forces; and

Whereas impediments and obstructions, serious in their character, have recently been interposed in the States of North Carolina and South Carolina, hindering and preventing for a time a proper enforcement there of the laws of the United States and of the judgments and decrees of a lawful court thereof, in disregard of the command of the President of the United States; and

Whereas reasonable and well-founded apprehensions exist that such ill-advised and unlawful proceedings may be again attempted there or elsewhere:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby warn all persons against obstructing or hindering in any manner whatsoever the faithful execution of the Constitution and the laws; and I do solemnly enjoin and command all officers of the Government, civil and military, to render due submission and obedience to said laws and to the judgments and decrees of the courts of the United States, and to give all the aid in their power necessary to the prompt enforcement and execution of such laws, decrees, judgments, and processes.

And I do hereby enjoin upon the officers of the Army and Navy to assist and sustain the courts and other civil authorities of the United States in a faithful administration of the laws thereof and in the judgments, decrees, mandates, and processes of the courts of the United States; and I call upon all good and well-disposed citizens of the United States to remember that upon the said Constitution and laws, and upon the judgments, decrees, and processes of the courts made in accordance with the same, depend the protection of the lives, liberty, property, and happiness of the people. And I exhort them everywhere to testify their devotion to their country, their pride in its prosperity and greatness, and their determination to uphold its free institutions by a hearty cooperation in the efforts of the Government to sustain the authority of the law, to maintain the supremacy of the Federal Constitution, and to preserve unimpaired the integrity of the National Union.

In testimony whereof I have caused the seal of the United States to be affixed to these presents and sign the same with my hand.

[SEAL.] Done at the city of Washington, the 3d day of September, in the year 1867.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in the month of July, A. D. 1861, the two Houses of Congress, with extraordinary unanimity, solemnly declared that the war then existing was not waged on the part of the Government in any spirit of oppression nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects should be accomplished the war ought to cease; and

Whereas the President of the United States, on the 8th day of December, A. D. 1863, and on the 26th day of March, A. D. 1864, did, with the objects of suppressing the then existing rebellion, of inducing all persons to return to their loyalty, and of restoring the authority of the United States, issue proclamations offering amnesty and pardon to all persons who had, directly or indirectly, participated in the then existing rebellion, except as in those proclamations was specified and reserved; and

Whereas the President of the United States did on the 29th day of May, A. D. 1865, issue a further proclamation, with the same objects before mentioned, and to the end that the authority of the Government of the United States might be restored and that peace, order, and freedom might be established, and the President did by the said last-mentioned proclamation proclaim and declare that he thereby granted to all persons who had, directly or indirectly, participated in the then existing rebellion, except as therein excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in certain cases where legal proceedings had been instituted, but upon condition that such persons should take and subscribe an oath therein prescribed, which oath should be registered for permanent preservation; and

Whereas in and by the said last-mentioned proclamation of the 29th day of May, A. D. 1865, fourteen extensive classes of persons therein specially described were altogether excepted and excluded from the benefits thereof; and

Whereas the President of the United States did, on the 2d day of April, A. D. 1866, issue a proclamation declaring that the insurrection was at an end and was thenceforth to be so regarded; and

Whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, Florida, and Texas, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed, and

have conformed, or, if permitted to do so, will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas there no longer exists any reasonable ground to apprehend within the States which were involved in the late rebellion any renewal thereof or any unlawful resistance by the people of said States to the Constitution and laws of the United States; and

Whereas large standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* and the right of trial by jury are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion; and

Whereas a retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, now, as always, could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct, and repress popular energies and national industry and enterprise; and

Whereas for these reasons it is now deemed essential to the public welfare and to the more perfect restoration of constitutional law and order that the said last-mentioned proclamation so as aforesaid issued on the 29th day of May, A. D. 1865, should be modified, and that the full and beneficent pardon conceded thereby should be opened and further extended to a large number of the persons who by its aforesaid exceptions have been hitherto excluded from Executive clemency:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the full pardon described in the said proclamation of the 29th day of May, A. D. 1865, shall henceforth be opened and extended to all persons who, directly or indirectly, participated in the late rebellion, with the restoration of all privileges, immunities, and rights of property, except as to property with regard to slaves, and except in cases of legal proceedings under the laws of the United States; but upon this condition, nevertheless, that every such person who shall seek to avail himself of this proclamation shall take and subscribe the following oath and shall cause the same to be registered for permanent preservation in the same manner and with the same effect as with the oath prescribed in the said proclamation of the 29th day of May, 1865, namely:

I, ——— ———, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder, and that I will in like man-

ner abide by and faithfully support all laws and proclamations which have been made during the late rebellion with reference to the emancipation of slaves. So help me God.

The following persons, and no others, are excluded from the benefits of this proclamation and of the said proclamation of the 29th day of May, 1865, namely:

First. The chief or pretended chief executive officers, including the President, the Vice-President, and all heads of departments of the pretended Confederate or rebel government, and all who were agents thereof in foreign states and countries, and all who held or pretended to hold in the service of the said pretended Confederate government a military rank or title above the grade of brigadier-general or naval rank or title above that of captain, and all who were or pretended to be governors of States while maintaining, aiding, abetting, or submitting to and acquiescing in the rebellion.

Second. All persons who in any way treated otherwise than as lawful prisoners of war persons who in any capacity were employed or engaged in the military or naval service of the United States.

Third. All persons who at the time they may seek to obtain the benefits of this proclamation are actually in civil, military, or naval confinement or custody, or legally held to bail, either before or after conviction, and all persons who were engaged, directly or indirectly, in the assassination of the late President of the United States or in any plot or conspiracy in any manner therewith connected.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 7th day of September, A. D. 1867, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been ascertained that in the nineteenth paragraph of the proclamation of the President of the United States of the 20th of August, 1866, declaring the insurrection at an end which had theretofore existed in the State of Texas, the previous proclamation of the 13th of June, 1865, instead of that of the 2d day of April, 1866, was referred to:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim that the said words "13th

of June, 1865," are to be regarded as erroneous in the paragraph adverted to, and that the words "2d day of April, 1866," are to be considered as substituted therefor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 7th day of October, A. D. 1867, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In conformity with a recent custom that may now be regarded as established on national consent and approval, I, Andrew Johnson, President of the United States, do hereby recommend to my fellow-citizens that Thursday, the 28th day of November next, be set apart and observed throughout the Republic as a day of national thanksgiving and praise to the Almighty Ruler of Nations, with whom are dominion and fear, who maketh peace in His high places.

Resting and refraining from secular labors on that day, let us reverently and devoutly give thanks to our Heavenly Father for the mercies and blessings with which He has crowned the now closing year. Especially let us remember that He has covered our land through all its extent with greatly needed and very abundant harvests; that He has caused industry to prosper, not only in our fields, but also in our workshops, in our mines, and in our forests. He has permitted us to multiply ships upon our lakes and rivers and upon the high seas, and at the same time to extend our iron roads so far into the secluded places of the continent as to guarantee speedy overland intercourse between the two oceans. He has inclined our hearts to turn away from domestic contentions and commotions consequent upon a distracting and desolating civil war, and to walk more and more in the ancient ways of loyalty, conciliation, and brotherly love. He has blessed the peaceful efforts with which we have established new and important commercial treaties with foreign nations, while we have at the same time strengthened our national defenses and greatly enlarged our national borders.

While thus rendering the unanimous and heartfelt tribute of national praise and thanksgiving which is so justly due to Almighty God, let us not fail to implore Him that the same divine protection and care which

we have hitherto so undeservedly and yet so constantly enjoyed may be continued to our country and our people throughout all their generations forever.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of October, A. D. 1867, and of the Independence of the United States the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, No. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 11, 1867.

* * * * * * *

II. In pursuance of the act of Congress entitled "An act to provide for the more efficient government of the rebel States," the President directs the following assignments to be made:

First District, State of Virginia, to be commanded by Brevet Major-General J. M. Schofield. Headquarters, Richmond, Va.

Second District, consisting of North Carolina and South Carolina, to be commanded by Major-General D. E. Sickles. Headquarters, Columbia, S. C.

Third District, consisting of the States of Georgia, Florida, and Alabama, to be commanded by Major-General G. H. Thomas. Headquarters, Montgomery, Ala.

Fourth District, consisting of the States of Mississippi and Arkansas, to be commanded by Brevet Major-General E. O. C. Ord. Headquarters, Vicksburg, Miss.

Fifth District, consisting of the States of Louisiana and Texas, to be commanded by Major-General P. H. Sheridan. Headquarters, New Orleans, La.

The powers of departmental commanders are hereby delegated to the above-named district commanders.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 15, 1867.

The President directs that the following change be made, at the request of Major-General Thomas, in the assignment announced in General Orders, No. 10, of March 11, 1867, of commanders of districts, under the act of Congress entitled "An act to provide for the more efficient government of the rebel States," and of the Department of the Cumberland, created in General Orders, No. 14, of March 12, 1867:

Brevet Major-General John Pope to command the Third District, consisting of the States of Georgia, Florida, and Alabama; and Major-General George H. Thomas to command the Department of the Cumberland.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1867.

Whereas several commanders of military districts created by the acts of Congress known as the reconstruction acts have expressed doubts as to the proper construction thereof and in respect to some of their powers and duties under said acts, and have applied to the Executive for information in relation thereto; and

Whereas the said acts of Congress have been referred to the Attorney-General for his opinion thereon, and the said acts and the opinion of the Attorney-General have been fully and carefully considered by the President in conference with the heads of the respective Departments:

The President accepts the following as a practical interpretation of the aforesaid acts of Congress on the points therein presented, and directs the same to be transmitted to the respective military commanders for their information, in order that there may be uniformity in the execution of said acts:

1. The oath prescribed in the supplemental act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath, nor to administer an oath to any other person touching the qualifications of the applicant or the falsity of the oath so taken by him. The act, to guard against falsity in the oath, provides that if false the person taking it shall be tried and punished for perjury.

No provision is made for challenging the qualifications of the applicant or entering upon any trial or investigation of his qualifications, either by witnesses or any other form of proof.

3. *As to citizenship and residence:*

The applicant for registration must be a citizen of the State and of the United States, and must be a resident of a county or parish included in the election district. He may be registered if he has been such citizen for a period less than twelve months at the time he applies for registration, but he can not vote at any election unless his citizenship has *then* extended to the full term of one year. As to such a person, the exact length of his citizenship should be noted opposite his name on the list, so that it may appear on the day of election, upon reference to the list, whether the full term has then been accomplished.

4. An unnaturalized person can not take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required from him.

5. No one who is not 21 years of age at the time of registration can take the oath, for he must swear that he has then attained that age.

6. No one who has been disfranchised for participation in any rebellion against the United States or for felony committed against the laws of any State or of the United States can take this oath.

The actual participation in a rebellion or the actual commission of a felony does not amount to disfranchisement. The sort of disfranchisement here meant is that which is declared by law passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for participation in rebellion alone; nor is it known that any such law exists in either of these ten States, except, perhaps, Virginia, as to which State special instructions will be given.

7. *As to disfranchisement arising from having held office followed by participation in rebellion:*

This is the most important part of the oath, and requires strict attention to arrive at its meaning. The applicant must swear or affirm as follows:

> That I have never been a member of any State legislature, nor held any executive or judicial office in any State, and afterwards engaged in an insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof.

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of

the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office and taken the oath to support the Federal Constitution and has not afterwards engaged in rebellion is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

8. *Officers of the United States:*

As to these the language is without limitation. The person who has at any time prior to the rebellion held an office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.

9. *Militia officers* of any State prior to the rebellion are not subject to disqualification.

10. *Municipal officers*—that is to say, officers of incorporated cities, towns, and villages, such as mayors, aldermen, town council, police, and other city or town officers—are not subject to disqualification.

11. Persons who have prior to the rebellion been members of the Congress of the United States or members of a State legislature are subject to disqualification, but those who have been members of conventions framing or amending the Constitution of a State prior to the rebellion are not subject to disqualification.

12. All the executive or judicial officers of any State who took an oath to support the Constitution of the United States are subject to disqualification, including county officers. They are subject to disqualification if they were required to take as a part of their official oath *the oath to support the Constitution of the United States.*

13. Persons who exercised mere employment under State authority are not disqualified; such as commissioners to lay out roads, commissioners of public works, visitors of State institutions, directors of State institutions, examiners of banks, notaries public, and commissioners to take acknowledgments of deeds.

ENGAGING IN REBELLION.

Having specified what offices held by anyone prior to the rebellion come within the meaning of the law, it is necessary next to set forth what subsequent conduct fixes upon such person the offense of engaging in rebellion. Two things must exist as to any person to disqualify him from voting: First, the office held prior to the rebellion, and, afterwards, participation in the rebellion.

14. An act to fix upon a person the offense of engaging in the rebellion under this law must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose. A person forced into the rebel service by conscription or under a paramount authority which he could not safely disobey, and who would not have entered

such service if left to the free exercise of his own will, can not be held to be disqualified from voting.

15. Mere acts of charity, where the intent is to relieve the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify; but organized contributions of food and clothing for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their unlawful object, may be classed with acts which do disqualify.

Forced contributions to the rebel cause in the form of taxes or military assessments, which a person was compelled to pay or contribute, do not disqualify; but voluntary contributions to the rebel cause, even such indirect contributions as arise from the voluntary loan of money to rebel authorities or purchase of bonds or securities created to afford the means of carrying on the rebellion, will work disqualification.

16. All those who in legislative or other official capacity were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congresses, and legislatures, diplomatic agents of the rebel Confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities or whose duties appertained to the support of the rebel cause, must be held to be disqualified.

But officers who during the rebellion discharged official duties not incident to war, but only such duties as belong even to a state of peace and were necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify, but where a person has by speech or by writing incited others to engage in rebellion he must come under the disqualification.

17. *The duties of the board appointed to superintend the elections:*

This board, having the custody of the list of registered voters in the district for which it is constituted, must see that the name of the person offering to vote is found upon the registration list, and if such proves to be the fact it is the duty of the board to receive his vote if then qualified by residence. They can not receive the vote of any person whose name is not upon the list, though he may be ready to take the registration oath, and although he may satisfy them that he was unable to have his name registered at the proper time, in consequence of absence, sickness, or other cause.

The board can not enter into any inquiry as to the qualifications of any person whose name is not on the registration list, or as to the qualifications of any person whose name is on the list.

18. *The mode of voting* is provided in the act to be *by ballot.* The board will keep a record and poll book of the election, showing the votes,

list of voters, and the persons elected by a plurality of the votes cast at the election, and make returns of these to the commanding general of the district.

19. The board appointed for registration and for superintending the elections must take the oath prescribed by the act of Congress approved July 2, 1862, entitled "An act to prescribe an oath of office."

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, August 12, 1867.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, and other property now in your custody and charge.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 12, 1867.

General ULYSSES S. GRANT,
Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day suspended as Secretary of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will at once enter upon the discharge of the duties of the office.

The Secretary of War has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 17, 1867.

Major-General George H. Thomas is hereby assigned to the command of the Fifth Military District, created by the act of Congress passed on the 2d day of March, 1867.

Major-General P. H. Sheridan is hereby assigned to the command of the Department of the Missouri.

Major-General Winfield S. Hancock is hereby assigned to the command of the Department of the Cumberland.

The Secretary of War *ad interim* will give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 26, 1867.

General U. S. GRANT,
Secretary of War ad interim.

SIR: In consequence of the unfavorable condition of the health of Major-General George H. Thomas, as reported to you in Surgeon Hasson's dispatch of the 21st instant, my order dated August 17, 1867, is hereby modified so as to assign Major-General Winfield S. Hancock to the command of the Fifth Military District, created by the act of Congress passed March 2, 1867, and of the military department comprising the States of Louisiana and Texas. On being relieved from the command of the Department of the Missouri by Major-General P. H. Sheridan, Major-General Hancock will proceed directly to New Orleans, La., and, assuming the command to which he is hereby assigned, will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district commanders and any and all authority pertaining to officers in command of military departments.

Major-General P. H. Sheridan will at once turn over his present command to the officer next in rank to himself, and, proceeding without delay to Fort Leavenworth, Kans., will relieve Major-General Hancock of the command of the Department of the Missouri.

Major-General George H. Thomas will until further orders remain in command of the Department of the Cumberland.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 26, 1867.

Brevet Major-General Edward R. S. Canby is hereby assigned to the command of the Second Military District, created by the act of Congress of March 2, 1867, and of the Military Department of the South, embracing the States of North Carolina and South Carolina. He will, as soon as practicable, relieve Major-General Daniel E. Sickles, and, on assuming the command to which he is hereby assigned, will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district commanders and any and all authority pertaining to officers in command of military departments.

Major-General Daniel E. Sickles is hereby relieved from the command of the Second Military District.

The Secretary of War *ad interim* will give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., September 4, 1867.

The heads of the several Executive Departments of the Government are instructed to furnish each person holding an appointment in their respective Departments with an official copy of the proclamation of the President bearing date the 3d instant, with directions strictly to observe its requirements for an earnest support of the Constitution of the United States and a faithful execution of the laws which have been made in pursuance thereof.

ANDREW JOHNSON.

[NOTE.—The Fortieth Congress, second session, met December 2, 1867, in conformity to the Constitution of the United States, and on July 27, 1868, in accordance with the concurrent resolution of July 24, adjourned to September 21; again met September 21, and adjourned to October 16; again met October 16, and adjourned to November 10; again met November 10 and adjourned to December 7, 1868; the latter meetings and adjournments being in accordance with the concurrent resolution of September 21.]

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 3, 1867.*

Fellow-Citizens of the Senate and House of Representatives:

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law.

When a civil war has been brought to a close, it is manifestly the first interest and duty of the state to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and

as speedily as possible. This duty was, upon the termination of the rebellion, promptly accepted, not only by the executive department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be as easy and certain as it was indispensable. The expectations, however, then so reasonably and confidently entertained were disappointed by legislation from which I felt constrained by my obligations to the Constitution to withhold my assent.

It is therefore a source of profound regret that in complying with the obligation imposed upon the President by the Constitution to give to Congress from time to time information of the state of the Union I am unable to communicate any definitive adjustment, satisfactory to the American people, of the questions which since the close of the rebellion have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood the term, and as they meant it to be understood by us. The Union which they established can exist only where all the States are represented in both Houses of Congress; where one State is as free as another to regulate its internal concerns according to its own will, and where the laws of the central Government, strictly confined to matters of national jurisdiction, apply with equal force to all the people of every section. That such is not the present "state of the Union" is a melancholy fact, and we must all acknowledge that the restoration of the States to their proper legal relations with the Federal Government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God, in His kindest providence, could bestow upon this nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and the Constitution are inseparable. As long as one is obeyed by all parties, the other will be preserved; and if one is destroyed, both must perish together. The destruction of the Constitution will be followed by other and still greater calamities. It was ordained not only to form a more perfect union between the States, but to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, financial dishonor, the total loss of our prosperity, the general corruption of morals, and the final extinction of popular freedom. To save our country from evils so appalling as these, we should renew our efforts again and again.

To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed or opposed by physical

force. There is no military or other necessity, real or pretended, which can prevent obedience to the Constitution, either North or South. All the rights and all the obligations of States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open, and if open their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authorities in a manner entirely practicable and legal. There is therefore no reason why the Constitution should not be obeyed, unless those who exercise its powers have determined that it shall be disregarded and violated. The mere naked will of this Government, or of some one or more of its branches, is the only obstacle that can exist to a perfect union of all the States.

On this momentous question and some of the measures growing out of it I have had the misfortune to differ from Congress, and have expressed my convictions without reserve, though with becoming deference to the opinion of the legislative department. Those convictions are not only unchanged, but strengthened by subsequent events and further reflection. The transcendent importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. The hope that we may all finally concur in a mode of settlement consistent at once with our true interests and with our sworn duties to the Constitution is too natural and too just to be easily relinquished.

It is clear to my apprehension that the States lately in rebellion are still members of the National Union. When did they cease to be so? The "ordinances of secession" adopted by a portion (in most of them a very small portion) of their citizens were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States afterwards expelled from the Union by the war? The direct contrary was averred by this Government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It can not be that a successful war, waged for the preservation of the Union, had the legal effect of dissolving it. The victory of the nation's arms was not the disgrace of her policy; the defeat of secession on the battlefield was not the triumph of its lawless principle. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this Government, or to all of them united.

This is so plain that it has been acknowledged by all branches of the Federal Government. The Executive (my predecessor as well as myself) and the heads of all the Departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble. Congress

submitted an amendment of the Constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would have been nugatory, and Congress in asking it committed a political absurdity. The judiciary has also given the solemn sanction of its authority to the same view of the case. The judges of the Supreme Court have included the Southern States in their circuits, and they are constantly, *in banc* and elsewhere, exercising jurisdiction which does not belong to them unless those States are States of the Union.

If the Southern States are component parts of the Union, the Constitution is the supreme law for them, as it is for all the other States. They are bound to obey it, and so are we. The right of the Federal Government, which is clear and unquestionable, to enforce the Constitution upon them implies the correlative obligation on our part to observe its limitations and execute its guaranties. Without the Constitution we are nothing; by, through, and under the Constitution we are what it makes us. We may doubt the wisdom of the law, we may not approve of its provisions, but we can not violate it merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of individual or class or sectional interest, much less of party predominance, but of duty—of high and sacred duty—which we are all sworn to perform. If we can not support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants who act under solemn obligations and commands which they dare not disregard.

The constitutional duty is not the only one which requires the States to be restored. There is another consideration which, though of minor importance, is yet of great weight. On the 22d day of July, 1861, Congress declared by an almost unanimous vote of both Houses that the war should be conducted solely for the purpose of preserving the Union and maintaining the supremacy of the Federal Constitution and laws, without impairing the dignity, equality, and rights of the States or of individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted. But it was a solemn, public, official pledge of the national honor, and I can not imagine upon what grounds the repudiation of it is to be justified. If it be said that we are not bound to keep faith with rebels, let it be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then

saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause. Having given that assurance in the extremity of our peril, the violation of it now, in the day of our power, would be a rude rending of that good faith which holds the moral world together; our country would cease to have any claim upon the confidence of men; it would make the war not only a failure, but a fraud.

Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the acts of Congress which place ten of the Southern States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the acts referred to are not only a violation of the national faith, but in direct conflict with the Constitution, I dare not permit myself to doubt that you will immediately strike them from the statute book.

To demonstrate the unconstitutional character of those acts I need do no more than refer to their general provisions. It must be seen at once that they are not authorized. To dictate what alterations shall be made in the constitutions of the several States; to control the elections of State legislators and State officers, members of Congress and electors of President and Vice-President, by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of the State and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs according to the mere will of strange and irresponsible agents, sent among them for that purpose—these are powers not granted to the Federal Government or to any one of its branches. Not being granted, we violate our trust by assuming them as palpably as we would by acting in the face of a positive interdict; for the Constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come to us through the Constitution, we can exercise it only by usurpation, and usurpation is the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked out their designs against public liberty and private right. It leads directly and immediately to the establishment of absolute rule, for undelegated power is always unlimited and unrestrained.

The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be guaranteed to all the States; that no person shall be deprived of life, liberty, or property without due process of law, arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege

of *habeas corpus* shall not be denied in time of peace, and that no bill of attainder shall be passed even against a single individual. Yet the system of measures established by these acts of Congress does totally subvert and destroy the form as well as the substance of republican government in the ten States to which they apply. It binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the *habeas corpus* and the trial by jury. Personal freedom, property, and life, if assailed by the passion, the prejudice, or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children. These wrongs, being expressly forbidden, can not be constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories, or districts.

I have no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the Government, but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offense; a large proportion even of the persons able to bear arms were forced into rebellion against their will, and of those who are guilty with their own consent the degrees of guilt are as various as the shades of their character and temper. But these acts of Congress confound them all together in one common doom. Indiscriminate vengeance upon classes, sects, and parties, or upon whole communities, for offenses committed by a portion of them against the governments to which they owed obedience was common in the barbarous ages of the world; but Christianity and civilization have made such progress that recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to Southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than the gratification of any present feeling.

I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is

to be only provisional, but it is through this temporary evil that a greater evil is to be made perpetual. If the guaranties of the Constitution can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place. The intermitted exercise of its power brings no sense of security to its subjects, for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power, unrestrained by law, may seek its next victims. The States that are still free may be enslaved at any moment; for if the Constitution does not protect all, it protects none.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting and to disfranchise such a number of white citizens as will give the former a clear majority at all elections in the Southern States. This, to the minds of some persons, is so important that a violation of the Constitution is justified as a means of bringing it about. The morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come. But in this case the end itself is evil, as well as the means. The subjugation of the States to negro domination would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression for any length of time rather than degrade themselves by subjection to the negro race. Therefore they have been left without a choice. Negro suffrage was established by act of Congress, and the military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men.

The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a Government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But under the circumstances this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape to a greater or less extent the future destiny of the whole country. Would such a trust and power be safe in such hands?

The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great state have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric and to preserve its stability for more than ninety

years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism. In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether as a class they know more than their ancestors how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen, and that when guided by virtue, intelligence, patriotism, and a proper appreciation of our free institutions it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought, therefore, to be reposed in none except those who are fitted morally and mentally to administer it well; for if conferred upon persons who do not justly estimate its value and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. I have therefore heretofore urged upon your attention the great danger—

to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, can not be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, 4,000,000 persons were held in a condition of slavery that had existed for generations; to-day they are freemen and are assumed by law to be citizens. It can not be presumed, from their previous condition of servitude, that as a class they are as well informed as to the nature of our Government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter neither a residence of five years and the knowledge of our institutions which it gives nor attachment to the principles of the Constitution are the only conditions upon which he can be admitted to citizenship; he must prove in addition a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people—the source of all political power—speak by their suffrages through the instrumentality of the ballot box, it must be carefully guarded against the control of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor

of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot box a new class of voters not qualified for the exercise of the elective franchise we weaken our system of government instead of adding to its strength and durability.

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I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation. But there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class, wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and finally to destroy its power, for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its destruction.

I repeat the expression of my willingness to join in any plan within the scope of our constitutional authority which promises to better the condition of the negroes in the South, by encouraging them in industry, enlightening their minds, improving their morals, and giving protection to all their just rights as freedmen. But the transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children.

The plan of putting the Southern States wholly and the General Government partially into the hands of negroes is proposed at a time peculiarly unpropitious. The foundations of society have been broken up by civil war. Industry must be reorganized, justice reestablished, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them, but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance till we despair of our own competency.

The great difference between the two races in physical, mental, and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains the ascendency over the other, it will govern with reference only to its own interests—for it will recognize no common interest—and create such a tyranny as this continent has never yet witnessed. Already the negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse, until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness. Of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country.

I would not put considerations of money in competition with justice and right; but the expenses incident to "reconstruction" under the

system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation, already too oppressive to be borne without just complaint, and may finally reduce the Treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army and probably more than $200,000,000 per annum to maintain the supremacy of negro governments after they are established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendency themselves. Without military power they are wholly incapable of holding in subjection the white people of the South.

I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures like this. With our debt and the vast private interests which are complicated with it, we can not be too cautious of a policy which might by possibility impair the confidence of the world in our Government. That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, persisted in for a considerable time, can not but create fears for the stability of our institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at naught, the sheet anchor of our political morality is lost, the public conscience swings from its moorings and yields to every impulse of passion and interest. If we repudiate the Constitution, we will not be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we acknowledge that the national debt was created, not to hold the States in the Union, as the taxpayers were led to suppose, but to expel them from it and hand them over to be governed by negroes, the moral duty to pay it may seem much less clear. I say it may *seem* so, for I do not admit that this or any other argument in favor of repudiation can be entertained as sound; but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted and with a republican form of government administered by agents of the popular choice, is a thing of such delicate texture and the destruction of it would be followed by such unspeakable calamity that every true patriot must desire to avoid whatever might expose it to the slightest danger.

The great interests of the country require immediate relief from these enactments. Business in the South is paralyzed by a sense of general insecurity, by the terror of confiscation, and the dread of negro supremacy.

The Southern trade, from which the North would have derived so great a profit under a government of law, still languishes, and can never be revived until it ceases to be fettered by the arbitrary power which makes all its operations unsafe. That rich country—the richest in natural resources the world ever saw—is worse than lost if it be not soon placed under the protection of a free constitution. Instead of being, as it ought to be, a source of wealth and power, it will become an intolerable burden upon the rest of the nation.

Another reason for retracing our steps will doubtless be seen by Congress in the late manifestations of public opinion upon this subject. We live in a country where the popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority backed by overwhelming force. It can not have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern the Southern States by military force, with a view to the ultimate establishment of negro supremacy, every expression of the general sentiment has been more or less adverse to it. The affections of this generation can not be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands and transmit it undivided and unimpaired to their own posterity is too strong to be successfully opposed. Every weaker passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the world.

How far the duty of the President "to preserve, protect, and defend the Constitution" requires him to go in opposing an unconstitutional act of Congress is a very serious and important question, on which I have deliberated much and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution by the supreme legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce violent collision between the respective adherents of the two branches of the Government. This would be simply civil war, and civil war must be resorted to only as the last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided. A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger the public peace; and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him or to his constituents. It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them regardless of all consequences. If Congress should pass an act which is not only in palpable conflict with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic

structure of the Government, and if there be neither judicial remedy for the wrongs it inflicts nor power in the people to protect themselves without the official aid of their elected defender—if, for instance, the legislative department should pass an act even through all the forms of law to abolish a coordinate department of the Government—in such a case the President must take the high responsibilities of his office and save the life of the nation at all hazards. The so-called reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defense. In all the Northern States they still held in their hands the sacred right of the ballot, and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced.

It is well and publicly known that enormous frauds have been perpetrated on the Treasury and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and if not diminished will soon bring us into total ruin and disgrace. The public creditors and the taxpayers are alike interested in an honest administration of the finances, and neither class will long endure the large-handed robberies of the recent past. For this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. The great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of many can withstand, and there can be no doubt that the open disregard of constitutional obligations avowed by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system, never perfected, was much disorganized by the "tenure-of-office bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest, or unfaithful to the Constitution, but under the law which I have named the utmost he can do is to complain to the Senate and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural, and not altogether unreasonable, for the officer to expect that it will take his part as far as possible, restore him to his place, and give him a triumph over his Executive superior. The officer has other chances of impunity arising from accidental defects of evidence, the mode of investigating it, and the secrecy of the hearing. It is not wonderful that official malfeasance should become bold in proportion as the delinquents learn to think

themselves safe. I am entirely persuaded that under such a rule the President can not perform the great duty assigned to him of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws.

The Constitution invests the President with authority to *decide* whether a removal should be made in any given case; the act of Congress declares in substance that he shall only *accuse* such as he supposes to be unworthy of their trust. The Constitution makes him sole *judge* in the premises, but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a *prosecutor*. The prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor. The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment can not be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapacity, what evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways, and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation, or must the President await the commission of an actual misdemeanor in office? Shall he in the meantime risk the character and interest of the nation in the hands of men to whom he can not give his confidence? Must he forbear his complaint until the mischief is done and can not be prevented? If his zeal in the public service should impel him to anticipate the overt act, must he move at the peril of being tried himself for the offense of slandering his subordinate? In the present circumstances of the country someone must be held responsible for official delinquency of every kind. It is extremely difficult to say where that responsibility should be thrown if it be not left where it has been placed by the Constitution. But all just men will admit that the President ought to be entirely relieved from such responsibility if he can not meet it by reason of restrictions placed by law upon his action.

The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people and accountable directly to them for his acts. It is undoubtedly liable to abuse, and at some periods of our history perhaps has been abused. If it be thought desirable and constitutional that it should be so limited as to make the President merely a common informer against

other public agents, he should at least be permitted to act in that capacity before some open tribunal, independent of party politics, ready to investigate the merits of every case, furnished with the means of taking evidence, and bound to decide according to established rules. This would guarantee the safety of the accuser when he acts in good faith, and at the same time secure the rights of the other party. I speak, of course, with all proper respect for the present Senate, but it does not seem to me that any legislative body can be so constituted as to insure its fitness for these functions.

It is not the theory of this Government that public offices are the property of those who hold them. They are given merely as a trust for the public benefit, sometimes for a fixed period, sometimes during good behavior, but generally they are liable to be terminated at the pleasure of the appointing power, which represents the collective majesty and speaks the will of the people. The forced retention in office of a single dishonest person may work great injury to the public interests. The danger to the public service comes not from the power to remove, but from the power to appoint. Therefore it was that the framers of the Constitution left the power of removal unrestricted, while they gave the Senate a right to reject all appointments which in its opinion were not fit to be made. A little reflection on this subject will probably satisfy all who have the good of the country at heart that our best course is to take the Constitution for our guide, walk in the path marked out by the founders of the Republic, and obey the rules made sacred by the observance of our great predecessors.

The present condition of our finances and circulating medium is one to which your early consideration is invited.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and, indeed, currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than $200,000,000; now the circulation of national-bank notes and those known as "legal-tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues when compared with a metallic or convertible currency. For this purpose let us inquire how much gold and silver could be purchased by

the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter, showing that when our paper currency is compared with gold and silver its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holder of its notes and those of the national banks to convert them without loss into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent their present specie value in the hands of their holders would be enhanced 100 per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils that they themselves had experienced. Hence in providing a circulating medium they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal-tender notes, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all Government dues, excepting imposts; and, third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semiannually receive their interest in coin from the National Treasury. They are thus made to occupy an invidious position, which may be used to strengthen the arguments of those who would bring into disrepute the obligations of the nation. In the payment of all its debts the plighted faith of the Government should be inviolably maintained. But while it acts with fidelity toward the bondholder who loaned his money that the integrity of the Union might be preserved, it should at the same time observe good faith with the great masses of the people, who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation, that the Government may be able to fulfill its engagements. There is no reason which

will be accepted as satisfactory by the people why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various Departments of the Government; the farmer who supplies the soldiers of the Army and the sailors of the Navy; the artisan who toils in the nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution; and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep rooted and widespread and imperil the national credit.

The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The production of precious metals in the United States from 1849 to 1857, inclusive, amounted to $579,000,000; from 1858 to 1860, inclusive, to $137,500,000, and from 1861 to 1867, inclusive, to $457,500,000—making the grand aggregate of products since 1849 $1,174,000,000. The amount of specie coined from 1849 to 1857 inclusive, was $439,000,000; from 1858 to 1860, inclusive, $125,000,000, and from 1861 to 1867, inclusive, $310,000,000—making the total coinage since 1849 $874,000,000. From 1849 to 1857, inclusive, the net exports of specie amounted to $271,000,000; from 1858 to 1860, inclusive, to $148,000,000, and from 1861 to 1867, inclusive, $322,000,000—making the aggregate of net exports since 1849 $741,000,000. These figures show an excess of product over net exports of $433,000,000. There are in the Treasury $111,000,000 in coin, something more than $40,000,000 in circulation on the Pacific Coast, and a few millions in the national and other banks—in all about $160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than $300,000,000 which have not been accounted for by exportation, and therefore may yet remain in the country.

These are important facts and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of gold and silver to the avenues of trade may be invited and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is

unreasonable to expect a return to a sound currency so long as the Government by continuing to issue irredeemable notes fills the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of $874,000,000, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the nation the care and expense incident to such establishments, and let all our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments at the earliest practicable period. Specie payments having been once resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than $20 should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

Every man of property or industry, every man who desires to preserve what he honestly possesses or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.

It has been asserted by one of our profound and most gifted statesmen that—

Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed of a degraded paper currency authorized by law or in any way countenanced by government.

It is one of the most successful devices, in times of peace or war, expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited in strong boxes under bolts and bars, while the people are left to endure all the inconvenience, sacrifice,

and demoralization resulting from the use of a depreciated and worthless paper money.

The condition of our finances and the operations of our revenue system are set forth and fully explained in the able and instructive report of the Secretary of the Treasury. On the 30th of June, 1866, the public debt amounted to $2,783,425,879; on the 30th of June last it was $2,692,199,215, showing a reduction during the fiscal year of $91,226,664. During the fiscal year ending June 30, 1867, the receipts were $490,634,010 and the expenditures $346,729,129, leaving an available surplus of $143,904,880. It is estimated that the receipts for the fiscal year ending June 30, 1868, will be $417,161,928 and that the expenditures will reach the sum of $393,269,226, leaving in the Treasury a surplus of $23,892,702. For the fiscal year ending June 30, 1869, it is estimated that the receipts will amount to $381,000,000 and that the expenditures will be $372,000,000, showing an excess of $9,000,000 in favor of the Government.

The attention of Congress is earnestly invited to the necessity of a thorough revision of our revenue system. Our internal-revenue laws and impost system should be so adjusted as to bear most heavily on articles of luxury, leaving the necessaries of life as free from taxation as may be consistent with the real wants of the Government, economically administered. Taxation would not then fall unduly on the man of moderate means; and while none would be entirely exempt from assessment, all, in proportion to their pecuniary abilities, would contribute toward the support of the State. A modification of the internal-revenue system, by a large reduction in the number of articles now subject to tax, would be followed by results equally advantageous to the citizen and the Government. It would render the execution of the law less expensive and more certain, remove obstructions to industry, lessen the temptations to evade the law, diminish the violations and frauds perpetrated upon its provisions, make its operations less inquisitorial, and greatly reduce in numbers the army of taxgatherers created by the system, who "take from the mouth of honest labor the bread it has earned." Retrenchment, reform, and economy should be carried into every branch of the public service, that the expenditures of the Government may be reduced and the people relieved from oppressive taxation; a sound currency should be restored, and the public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the Union of the States upon the principles of the Constitution, would inspire confidence at home and abroad in the stability of our institutions and bring to the nation prosperity, peace, and good will.

The report of the Secretary of War *ad interim* exhibits the operations of the Army and of the several bureaus of the War Department. The aggregate strength of our military force on the 30th of September last was 56,315. The total estimate for military appropriations is $77,124,707, including a deficiency in last year's appropriation of $13,600,000. The

payments at the Treasury on account of the service of the War Department from January 1 to October 29, 1867—a period of ten months—amounted to $109,807,000. The expenses of the military establishment, as well as the numbers of the Army, are now three times as great as they have ever been in time of peace, while the discretionary power is vested in the Executive to add millions to this expenditure by an increase of the Army to the maximum strength allowed by the law.

The comprehensive report of the Secretary of the Interior furnishes interesting information in reference to the important branches of the public service connected with his Department. The menacing attitude of some of the warlike bands of Indians inhabiting the district of country between the Arkansas and Platte rivers and portions of Dakota Territory required the presence of a large military force in that region. Instigated by real or imaginary grievances, the Indians occasionally committed acts of barbarous violence upon emigrants and our frontier settlements; but a general Indian war has been providentially averted. The commissioners under the act of 20th July, 1867, were invested with full power to adjust existing difficulties, negotiate treaties with the disaffected bands, and select for them reservations remote from the traveled routes between the Mississippi and the Pacific. They entered without delay upon the execution of their trust, but have not yet made any official report of their proceedings. It is of vital importance that our distant Territories should be exempt from Indian outbreaks, and that the construction of the Pacific Railroad, an object of national importance, should not be interrupted by hostile tribes. These objects, as well as the material interests and the moral and intellectual improvement of the Indians, can be most effectually secured by concentrating them upon portions of country set apart for their exclusive use and located at points remote from our highways and encroaching white settlements.

Since the commencement of the second session of the Thirty-ninth Congress 510 miles of road have been constructed on the main line and branches of the Pacific Railway. The line from Omaha is rapidly ap proaching the eastern base of the Rocky Mountains, while the terminus of the last section of constructed road in California, accepted by the Government on the 24th day of October last, was but 11 miles distant from the summit of the Sierra Nevada. The remarkable energy evinced by the companies offers the strongest assurance that the completion of the road from Sacramento to Omaha will not be long deferred.

During the last fiscal year 7,041,114 acres of public land were disposed of, and the cash receipts from sales and fees exceeded by one-half million dollars the sum realized from those sources during the preceding year. The amount paid to pensioners, including expenses of disbursements, was $18,619,956, and 36,482 names were added to the rolls. The entire number of pensioners on the 30th of June last was 155,474. Eleven thousand six hundred and fifty-five patents and designs were issued

during the year ending September 30, 1867, and at that date the balance in the Treasury to the credit of the patent fund was $286,607.

The report of the Secretary of the Navy states that we have seven squadrons actively and judiciously employed, under efficient and able commanders, in protecting the persons and property of American citizens, maintaining the dignity and power of the Government, and promoting the commerce and business interests of our countrymen in every part of the world. Of the 238 vessels composing the present Navy of the United States, 56, carrying 507 guns, are in squadron service. During the year the number of vessels in commission has been reduced 12, and there are 13 less on squadron duty than there were at the date of the last report. A large number of vessels were commenced and in the course of construction when the war terminated, and although Congress had made the necessary appropriations for their completion, the Department has either suspended work upon them or limited the slow completion of the steam vessels, so as to meet the contracts for machinery made with private establishments. The total expenditures of the Navy Department for the fiscal year ending June 30, 1867, were $31,034,011. No appropriations have been made or required since the close of the war for the construction and repair of vessels, for steam machinery, ordnance, provisions and clothing, fuel, hemp, etc., the balances under these several heads having been more than sufficient for current expenditures. It should also be stated to the credit of the Department that, besides asking no appropriations for the above objects for the last two years, the Secretary of the Navy, on the 30th of September last, in accordance with the act of May 1, 1820, requested the Secretary of the Treasury to carry to the surplus fund the sum of $65,000,000, being the amount received from the sales of vessels and other war property and the remnants of former appropriations.

The report of the Postmaster-General shows the business of the Post-Office Department and the condition of the postal service in a very favorable light, and the attention of Congress is called to its practical recommendations. The receipts of the Department for the year ending June 30, 1867, including all special appropriations for sea and land service and for free mail matter, were $19,978,693. The expenditures for all purposes were $19,235,483, leaving an unexpended balance in favor of the Department of $743,210, which can be applied toward the expenses of the Department for the current year. The increase of postal revenue, independent of specific appropriations, for the year 1867 over that of 1866 was $850,040. The increase of revenue from the sale of stamps and stamped envelopes was $783,404. The increase of expenditures for 1867 over those of the previous year was owing chiefly to the extension of the land and ocean mail service. During the past year new postal conventions have been ratified and exchanged with the United Kingdom of Great Britain and Ireland, Belgium, the Netherlands, Switzerland, the North German Union, Italy, and the colonial government at Hong Kong,

reducing very largely the rates of ocean and land postages to and from and within those countries.

The report of the Acting Commissioner of Agriculture concisely presents the condition, wants, and progress of an interest eminently worthy the fostering care of Congress, and exhibits a large measure of useful results achieved during the year to which it refers.

The reestablishment of peace at home and the resumption of extended trade, travel, and commerce abroad have served to increase the number and variety of questions in the Department for Foreign Affairs. None of these questions, however, have seriously disturbed our relations with other states.

The Republic of Mexico, having been relieved from foreign intervention, is earnestly engaged in efforts to reestablish her constitutional system of government. A good understanding continues to exist between our Government and the Republics of Hayti and San Domingo, and our cordial relations with the Central and South American States remain unchanged. The tender, made in conformity with a resolution of Congress, of the good offices of the Government with a view to an amicable adjustment of peace between Brazil and her allies on one side and Paraguay on the other, and between Chile and her allies on the one side and Spain on the other, though kindly received, has in neither case been fully accepted by the belligerents. The war in the valley of the Parana is still vigorously maintained. On the other hand, actual hostilities between the Pacific States and Spain have been more than a year suspended. I shall, on any proper occasion that may occur, renew the conciliatory recommendations which have been already made. Brazil, with enlightened sagacity and comprehensive statesmanship, has opened the great channels of the Amazon and its tributaries to universal commerce. One thing more seems needful to assure a rapid and cheering progress in South America. I refer to those peaceful habits without which states and nations can not in this age well expect material prosperity or social advancement.

The Exposition of Universal Industry at Paris has passed, and seems to have fully realized the high expectations of the French Government. If due allowance be made for the recent political derangement of industry here, the part which the United States has borne in this exhibition of invention and art may be regarded with very high satisfaction. During the exposition a conference was held of delegates from several nations, the United States being one, in which the inconveniences of commerce and social intercourse resulting from the diverse standards of money value were very fully discussed, and plans were developed for establishing by universal consent a common principle for the coinage of gold. These conferences are expected to be renewed, with the attendance of many foreign states not hitherto represented. A report of these interesting proceedings will be submitted to Congress, which will, no doubt, justly

appreciate the great object and be ready to adopt any measure which may tend to facilitate its ultimate accomplishment.

On the 25th of February, 1862, Congress declared by law that Treasury notes, without interest, authorized by that act should be legal tender in payment of all debts, public and private, within the United States. An annual remittance of $30,000, less stipulated expenses, accrues to claimants under the convention made with Spain in 1834. These remittances, since the passage of that act, have been paid in such notes. The claimants insist that the Government ought to require payment in coin. The subject may be deemed worthy of your attention.

No arrangement has yet been reached for the settlement of our claims for British depredations upon the commerce of the United States. I have felt it my duty to decline the proposition of arbitration made by Her Majesty's Government, because it has hitherto been accompanied by reservations and limitations incompatible with the rights, interest, and honor of our country. It is not to be apprehended that Great Britain will persist in her refusal to satisfy these just and reasonable claims, which involve the sacred principle of nonintervention—a principle henceforth not more important to the United States than to all other commercial nations.

The West India islands were settled and colonized by European States simultaneously with the settlement and colonization of the American continent. Most of the colonies planted here became independent nations in the close of the last and the beginning of the present century. Our own country embraces communities which at one period were colonies of Great Britain, France, Spain, Holland, Sweden, and Russia. The people in the West Indies, with the exception of those of the island of Hayti, have neither attained nor aspired to independence, nor have they become prepared for self-defense. Although possessing considerable commercial value, they have been held by the several European States which colonized or at some time conquered them, chiefly for purposes of military and naval strategy in carrying out European policy and designs in regard to this continent. In our Revolutionary War ports and harbors in the West India islands were used by our enemy, to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies, while we were at peace with all nations. In our recent civil war the rebels and their piratical and blockade-breaking allies found facilities in the same ports for the work, which they too successfully accomplished, of injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage, that European steam vessels employed by our enemies found friendly shelter, protection, and supplies in West Indian ports, while our naval operations were necessarily carried on from our own distant shores. There was

then a universal feeling of the want of an advanced naval outpost between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other states, earnestly engaged the attention of the executive department before the close of the war, and it has not been lost sight of since that time. A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the Emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided for. A good and convenient port and harbor, capable of easy defense, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offense from any transatlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the continental States, including our own. I agree with them also that it is wise to leave the question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. John, which constitute a part of the group called the Virgin Islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded. A treaty has therefore been concluded with the King of Denmark for the cession of those islands, and will be submitted to the Senate for consideration.

It will hardly be necessary to call the attention of Congress to the subject of providing for the payment to Russia of the sum stipulated in the treaty for the cession of Alaska. Possession having been formally delivered to our commissioner, the territory remains for the present in care of a military force, awaiting such civil organization as shall be directed by Congress.

The annexation of many small German States to Prussia and the reorganization of that country under a new and liberal constitution have induced me to renew the effort to obtain a just and prompt settlement of the long-vexed question concerning the claims of foreign states for military service from their subjects naturalized in the United States.

In connection with this subject the attention of Congress is respectfully called to a singular and embarrassing conflict of laws. The executive department of this Government has hitherto uniformly held, as it now holds, that naturalization in conformity with the Constitution and laws of the United States absolves the recipient from his native allegiance. The courts of Great Britain hold that allegiance to the British Crown is indefeasible, and is not absolved by our laws of naturalization. British judges cite courts and law authorities of the United States in support of that theory against the position held by the executive authority of the United States. This conflict perplexes the public mind concerning the rights of naturalized citizens and impairs the national authority abroad.

I called attention to this subject in my last annual message, and now again respectfully appeal to Congress to declare the national will unmistakably upon this important question.

The abuse of our laws by the clandestine prosecution of the African slave trade from American ports or by American citizens has altogether ceased, and under existing circumstances no apprehensions of its renewal in this part of the world are entertained. Under these circumstances it becomes a question whether we shall not propose to Her Majesty's Government a suspension or discontinuance of the stipulations for maintaining a naval force for the suppression of that trade.

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 3, 1867.*

To the Senate of the United States:

I transmit, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of Denmark, stipulating for the cession of the islands of St. Thomas and St. John, in the West Indies.

ANDREW JOHNSON.

WASHINGTON, *December 3, 1867.*

To the Senate of the United States:

I transmit, for consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Nicaragua, signed at the city of Managua on the 21st day of June last. This instrument has been framed pursuant to the amendments of the Senate of the United States to the previous treaty between the parties of the 16th of March, 1859.

ANDREW JOHNSON.

WASHINGTON, *December 4, 1867.*

To the House of Representatives:

I transmit herewith a final report from the Attorney-General, additional to the reports submitted by him December 31, 1866, March 2, 1867, and July 8, 1867, in reply to a resolution of the House of Representatives December 10, 1866, requesting "a list of the names of all persons engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate government, and the position if he shall have held any civil office

under said so-called Confederate government; and shall also state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reason for granting such pardon, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *December 4, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 26th ultimo, a report* from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *December 5, 1867.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th July last, requesting me to communicate all information received at the several Departments of the Government touching the organization within or near the territory of the United States of armed bodies of men for the purpose of avenging the death of the Archduke Maximilian or of intervening in Mexican affairs, and what measures have been taken to prevent the organization or departure of such organized bodies for the purpose of carrying out such objects, I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *December 5, 1867.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a commercial treaty between the United States of America and Her Majesty the Queen of Madagascar, signed at Antananarivo on the 14th of February last.

ANDREW JOHNSON.

WASHINGTON, *December 10, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 25th ultimo, a report† from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

*Relating to the removal of J. Lothrop Motley from his post as minister of the United States at Vienna.

†Relating to the formation and the functions of the Government of the united States of North Germany.

WASHINGTON, *December 10, 1867.*

To the Senate of the United States:

I transmit a copy of a dispatch of the 17th of July last, addressed to the Secretary of State, and of the papers which accompanied it, from Anson Burlingame, esq., minister of the United States to China, relating to a proposed modification of the existing treaty between this Government and that of China.

The Senate is aware that the original treaty is chiefly *ex parte* in its character. The proposed modification, though not of sufficient importance to warrant all the usual forms, does not seem to be objectionable; but it can not be legally accepted by the executive government without the advice and consent of the Senate. If this should be given, it may be indicated by a resolution, upon the adoption of which the United States minister to China will be instructed to inform the Government of that country that the modification has been assented to.

ANDREW JOHNSON.

WASHINGTON, *December 12, 1867.*

To the Senate of the United States:

On the 12th of August last I suspended Mr. Stanton from the exercise of the office of Secretary of War, and on the same day designated General Grant to act as Secretary of War *ad interim.*

The following are copies of the Executive orders:

EXECUTIVE MANSION,
Washington, August 12, 1867.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, and other property now in your custody and charge.

EXECUTIVE MANSION,
Washington, D. C., August 12, 1867.

General ULYSSES S. GRANT,
Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day suspended as Secretary of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will at once enter upon the discharge of the duties of the office.

The Secretary of War has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

The following communication was received from Mr. Stanton:

WAR DEPARTMENT,
Washington City, August 12, 1867.

The PRESIDENT.

SIR: Your note of this date has been received, informing me that by virtue of the powers and authority vested in you as President by the Constitution and laws

of the United States I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same, and also directing me at once to transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in my custody and charge.

Under a sense of public duty I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without any legal cause, to suspend me from office as Secretary of War or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.

But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

The suspension has not been revoked, and the business of the War Department is conducted by the Secretary *ad interim*.

Prior to the date of this suspension I had come to the conclusion that the time had arrived when it was proper Mr. Stanton should retire from my Cabinet. The mutual confidence and general accord which should exist in such a relation had ceased. I supposed that Mr. Stanton was well advised that his continuance in the Cabinet was contrary to my wishes, for I had repeatedly given him so to understand by every mode short of an express request that he should resign. Having waited full time for the voluntary action of Mr. Stanton, and seeing no manifestation on his part of an intention to resign, I addressed him the following note on the 5th of August:

SIR: Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

To this note I received the following reply:

WAR DEPARTMENT,
Washington, August 5, 1867.

SIR: Your note of this day has been received, stating that public considerations of a high character constrain you to say that my resignation as Secretary of War will be accepted.

In reply I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress.

This reply of Mr. Stanton was not merely a disinclination of compliance with the request for his resignation; it was a defiance, and something more. Mr. Stanton does not content himself with assuming that public considerations bearing upon his continuance in office form as fully a rule of action for himself as for the President, and that upon so delicate a question as the fitness of an officer for continuance in his office the officer is as competent and as impartial to decide as his superior, who is responsible for his conduct. But he goes further, and plainly intimates what he means by "public considerations of a high character," and this is nothing else than his loss of confidence in his superior. He says that

these public considerations have "alone induced me to continue at the head of this Department," and that they "constrain me not to resign the office of Secretary of War before the next meeting of Congress."

This language is very significant. Mr. Stanton holds the position unwillingly. He continues in office only under a sense of high public duty. He is ready to leave when it is safe to leave, and as the danger he apprehends from his removal then will not exist when Congress is here, he is constrained to remain during the interim. What, then, is that danger which can only be averted by the presence of Mr. Stanton or of Congress? Mr. Stanton does not say that "public considerations of a high character" constrain him to hold on to the office indefinitely. He does not say that no one other than himself can at any time be found to take his place and perform its duties. On the contrary, he expresses a desire to leave the office at the earliest moment consistent with these high public considerations. He says, in effect, that while Congress is away he must remain, but that when Congress is here he can go. In other words, he has lost confidence in the President. He is unwilling to leave the War Department in his hands or in the hands of anyone the President may appoint or designate to perform its duties. If he resigns, the President may appoint a Secretary of War that Mr. Stanton does not approve; therefore he will not resign. But when Congress is in session the President can not appoint a Secretary of War which the Senate does not approve; consequently when Congress meets Mr. Stanton is ready to resign.

Whatever cogency these "considerations" may have had on Mr. Stanton, whatever right he may have had to entertain such considerations, whatever propriety there might be in the expression of them to others, one thing is certain, it was official misconduct, to say the least of it, to parade them before his superior officer.

Upon the receipt of this extraordinary note I only delayed the order of suspension long enough to make the necessary arrangements to fill the office. If this were the only cause for his suspension, it would be ample. Necessarily it must end our most important official relations, for I can not imagine a degree of effrontery which would embolden the head of a Department to take his seat at the council table in the Executive Mansion after such an act; nor can I imagine a President so forgetful of the proper respect and dignity which belong to his office as to submit to such intrusion. I will not do Mr. Stanton the wrong to suppose that he entertained any idea of offering to act as one of my constitutional advisers after that note was written. There was an interval of a week between that date and the order of suspension, during which two Cabinet meetings were held. Mr. Stanton did not present himself at either, nor was he expected.

On the 12th of August Mr. Stanton was notified of his suspension and that General Grant had been authorized to take charge of the Department.

In his answer to this notification, of the same date, Mr. Stanton expresses himself as follows:

> Under a sense of public duty I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without any legal cause, to suspend me from office as Secretary of War or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.
>
> But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

It will not escape attention that in his note of August 5 Mr. Stanton stated that he had been constrained to continue in the office, even before he was requested to resign, by considerations of a high public character. In this note of August 12 a new and different sense of public duty compels him to deny the President's right to suspend him from office without the consent of the Senate. This last is the public duty of resisting an act contrary to law, and he charges the President with violation of the law in ordering his suspension.

Mr. Stanton refers generally to the Constitution and laws of the "United States," and says that a sense of public duty "under" these compels him to deny the right of the President to suspend him from office. As to his sense of duty under the Constitution, that will be considered in the sequel. As to his sense of duty under "the laws of the United States," he certainly can not refer to the law which creates the War Department, for that expressly confers upon the President the unlimited right to remove the head of the Department. The only other law bearing upon the question is the tenure-of-office act, passed by Congress over the Presidential veto March 2, 1867. This is the law which, under a sense of public duty, Mr. Stanton volunteers to defend.

There is no provision in this law which compels any officer coming within its provisions to remain in office. It forbids removals—not resignations. Mr. Stanton was perfectly free to resign at any moment, either upon his own motion or in compliance with a request or an order. It was a matter of choice or of taste. There was nothing compulsory in the nature of legal obligation. Nor does he put his action upon that imperative ground. He says he acts under a "sense of public duty," not of legal obligation, compelling him to hold on and leaving him no choice. The public duty which is upon him arises from the respect which he owes to the Constitution and the laws, violated in his own case. He is therefore compelled by this sense of public duty to vindicate violated law and to stand as its champion.

This was not the first occasion in which Mr. Stanton, in discharge of a public duty, was called upon to consider the provisions of that law. That tenure-of-office law did not pass without notice. Like other acts, it was sent to the President for approval. As is my custom, I submitted its

consideration to my Cabinet for their advice upon the question whether I should approve it or not. It was a grave question of constitutional law, in which I would, of course, rely most upon the opinion of the Attorney-General and of Mr. Stanton, who had once been Attorney-General.

Every member of my Cabinet advised me that the proposed law was unconstitutional. All spoke without doubt or reservation, but Mr. Stanton's condemnation of the law was the most elaborate and emphatic. He referred to the constitutional provisions, the debates in Congress, especially to the speech of Mr. Buchanan when a Senator, to the decisions of the Supreme Court, and to the usage from the beginning of the Government through every successive Administration, all concurring to establish the right of removal as vested by the Constitution in the President. To all these he added the weight of his own deliberate judgment, and advised me that it was my duty to defend the power of the President from usurpation and to veto the law.

I do not know when a sense of public duty is more imperative upon a head of Department than upon such an occasion as this. He acts then under the gravest obligations of law, for when he is called upon by the President for advice it is the Constitution which speaks to him. All his other duties are left by the Constitution to be regulated by statute, but this duty was deemed so momentous that it is imposed by the Constitution itself.

After all this I was not prepared for the ground taken by Mr. Stanton in his note of August 12. I was not prepared to find him compelled by a new and indefinite sense of public duty, under "the Constitution," to assume the vindication of a law which, under the solemn obligations of public duty imposed by the Constitution itself, he advised me was a violation of that Constitution. I make great allowance for a change of opinion, but such a change as this hardly falls within the limits of greatest indulgence.

Where our opinions take the shape of advice, and influence the action of others, the utmost stretch of charity will scarcely justify us in repudiating them when they come to be applied to ourselves.

But to proceed with the narrative. I was so much struck with the full mastery of the question manifested by Mr. Stanton, and was at the time so fully occupied with the preparation of another veto upon the pending reconstruction act, that I requested him to prepare the veto upon this tenure-of-office bill. This he declined, on the ground of physical disability to undergo at the time the labor of writing, but stated his readiness to furnish what aid might be required in the preparation of materials for the paper.

At the time this subject was before the Cabinet it seemed to be taken for granted that as to those members of the Cabinet who had been appointed by Mr. Lincoln their tenure of office was not fixed by the provisions of the act. I do not remember that the point was distinctly

decided, but I well recollect that it was suggested by one member of the Cabinet who was appointed by Mr. Lincoln, and that no dissent was expressed.

Whether the point was well taken or not did not seem to me of any consequence, for the unanimous expression of opinion against the constitutionality and policy of the act was so decided that I felt no concern, so far as the act had reference to the gentlemen then present, that I would be embarrassed in the future. The bill had not then become a law. The limitation upon the power of removal was not yet imposed, and there was yet time to make any changes. If any one of these gentlemen had then said to me that he would avail himself of the provisions of that bill in case it became a law, I should not have hesitated a moment as to his removal. No pledge was then expressly given or required. But there are circumstances when to give an expressed pledge is not necessary, and when to require it is an imputation of possible bad faith. I felt that if these gentlemen came within the purview of the bill it was as to them a dead letter, and that none of them would ever take refuge under its provisions.

I now pass to another subject. When, on the 15th of April, 1865, the duties of the Presidential office devolved upon me, I found a full Cabinet of seven members, all of them selected by Mr. Lincoln. I made no change. On the contrary, I shortly afterwards ratified a change determined upon by Mr. Lincoln, but not perfected at his death, and admitted his appointee, Mr. Harlan, in the place of Mr. Usher, who was in office at the time.

The great duty of the time was to reestablish government, law, and order in the insurrectionary States. Congress was then in recess, and the sudden overthrow of the rebellion required speedy action. This grave subject had engaged the attention of Mr. Lincoln in the last days of his life, and the plan according to which it was to be managed had been prepared and was ready for adoption. A leading feature of that plan was that it should be carried out by the Executive authority, for, so far as I have been informed, neither Mr. Lincoln nor any member of his Cabinet doubted his authority to act or proposed to call an extra session of Congress to do the work. The first business transacted in Cabinet after I became President was this unfinished business of my predecessor. A plan or scheme of reconstruction was produced which had been prepared for Mr. Lincoln by Mr. Stanton, his Secretary of War. It was approved, and at the earliest moment practicable was applied in the form of a proclamation to the State of North Carolina, and afterwards became the basis of action in turn for the other States.

Upon the examination of Mr. Stanton before the Impeachment Committee he was asked the following question:

Did any one of the Cabinet express a doubt of the power of the executive branch of the Government to reorganize State governments which had been in rebellion without the aid of Congress?

He answered:

None whatever. I had myself entertained no doubt of the authority of the President to take measures for the organization of the rebel States on the plan proposed during the vacation of Congress and agreed in the plan specified in the proclamation in the case of North Carolina.

There is perhaps no act of my Administration for which I have been more denounced than this. It was not originated by me, but I shrink from no responsibility on that account, for the plan approved itself to my own judgment, and I did not hesitate to carry it into execution.

Thus far and upon this vital policy there was perfect accord between the Cabinet and myself, and I saw no necessity for a change. As time passed on there was developed an unfortunate difference of opinion and of policy between Congress and the President upon this same subject and upon the ultimate basis upon which the reconstruction of these States should proceed, especially upon the question of negro suffrage. Upon this point three members of the Cabinet found themselves to be in sympathy with Congress. They remained only long enough to see that the difference of policy could not be reconciled. They felt that they should remain no longer, and a high sense of duty and propriety constrained them to resign their positions. We parted with mutual respect for the sincerity of each other in opposite opinions, and mutual regret that the difference was on points so vital as to require a severance of official relations. This was in the summer of 1866. The subsequent sessions of Congress developed new complications, when the suffrage bill for the District of Columbia and the reconstruction acts of March 2 and March 23, 1867, all passed over the veto. It was in Cabinet consultations upon these bills that a difference of opinion upon the most vital points was developed. Upon these questions there was perfect accord between all the members of the Cabinet and myself, except Mr. Stanton. He stood alone, and the difference of opinion could not be reconciled. That unity of opinion which, upon great questions of public policy or administration, is so essential to the Executive was gone.

I do not claim that a head of Department should have no other opinions than those of the President. He has the same right, in the conscientious discharge of duty, to entertain and express his own opinions as has the President. What I do claim is that the President is the responsible head of the Administration, and when the opinions of a head of Department are irreconcilably opposed to those of the President in grave matters of policy and administration there is but one result which can solve the difficulty, and that is a severance of the official relation. This in the past history of the Government has always been the rule, and it is a wise one, for such differences of opinion among its members must impair the efficiency of any Administration.

I have now referred to the general grounds upon which the withdrawal of Mr. Stanton from my Administration seemed to me to be proper and

necessary, but I can not omit to state a special ground, which, if it stood alone, would vindicate my action.

The sanguinary riot which occurred in the city of New Orleans on the 30th of August, 1866, justly aroused public indignation and public inquiry, not only as to those who were engaged in it, but as to those who, more or less remotely, might be held to responsibility for its occurrence. I need not remind the Senate of the effort made to fix that responsibility on the President. The charge was openly made, and again and again reiterated all through the land, that the President was warned in time, but refused to interfere.

By telegrams from the lieutenant-governor and attorney-general of Louisiana, dated the 27th and 28th of August, I was advised that a body of delegates claiming to be a constitutional convention were about to assemble in New Orleans; that the matter was before the grand jury, but that it would be impossible to execute civil process without a riot; and this question was asked:

> Is the military to interfere to prevent process of court?

This question was asked at a time when the civil courts were in the full exercise of their authority, and the answer sent by telegraph on the same 28th of August was this:

> The military will be expected to sustain, and not to interfere with, the proceedings of the courts.

On the same 28th of August the following telegram was sent to Mr. Stanton by Major-General Baird, then (owing to the absence of General Sheridan) in command of the military at New Orleans:

> Hon. EDWIN M. STANTON,
> *Secretary of War:*
>
> A convention has been called, with the sanction of Governor Wells, to meet here on Monday. The lieutenant-governor and city authorities think it unlawful, and propose to break it up by arresting the delegates. I have given no orders on the subject, but have warned the parties that I could not countenance or permit such action without instructions to that effect from the President. Please instruct me at once by telegraph.

The 28th of August was on Saturday. The next morning, the 29th, this dispatch was received by Mr. Stanton at his residence in this city. He took no action upon it, and neither sent instructions to General Baird himself nor presented it to me for such instructions. On the next day (Monday) the riot occurred. I never saw this dispatch from General Baird until some ten days or two weeks after the riot, when, upon my call for all the dispatches, with a view to their publication, Mr. Stanton sent it to me.

These facts all appear in the testimony of Mr. Stanton before the Judiciary Committee in the impeachment investigation.

On the 30th, the day of the riot, and after it was suppressed, General Baird wrote to Mr. Stanton a long letter, from which I make the following extract:

SIR: I have the honor to inform you that a very serious riot has occurred here to-day. I had not been applied to by the convention for protection, but the lieutenant-governor and the mayor had freely consulted with me, and I was so fully convinced that it was so strongly the intent of the city authorities to preserve the peace, in order to prevent military interference, that I did not regard an outbreak as a thing to be apprehended. The lieutenant-governor had assured me that even if a writ of arrest was issued by the court the sheriff would not attempt to serve it without my permission, and for to-day they designed to suspend it. I inclose herewith copies of my correspondence with the mayor and of a dispatch which the lieutenant-governor claims to have received from the President. I regret that no reply to my dispatch to you of Saturday has yet reached me. General Sheridan is still absent in Texas.

The dispatch of General Baird of the 28th asks for immediate instructions, and his letter of the 30th, after detailing the terrible riot which had just happened, ends with the expression of regret that the instructions which he asked for were not sent. It is not the fault or the error or the omission of the President that this military commander was left without instructions; but for all omissions, for all errors, for all failures to instruct when instruction might have averted this calamity, the President was openly and persistently held responsible. Instantly, without waiting for proof, the delinquency of the President was heralded in every form of utterance. Mr. Stanton knew then that the President was not responsible for this delinquency. The exculpation was in his power, but it was not given by him to the public, and only to the President in obedience to a requisition for all the dispatches.

No one regrets more than myself that General Baird's request was not brought to my notice. It is clear from his dispatch and letter that if the Secretary of War had given him proper instructions the riot which arose on the assembling of the convention would have been averted.

There may be those ready to say that I would have given no instructions even if the dispatch had reached me in time, but all must admit that I ought to have had the opportunity.

The following is the testimony given by Mr. Stanton before the impeachment investigation committee as to this dispatch:

Q. Referring to the dispatch of the 28th of July by General Baird, I ask you whether that dispatch on its receipt was communicated?

A. I received that dispatch on Sunday forenoon. I examined it carefully, and considered the question presented. I did not see that I could give any instructions different from the line of action which General Baird proposed, and made no answer to the dispatch.

Q. I see it stated that this was received at 10.20 p. m. Was that the hour at which it was received by you?

A. That is the date of its reception in the telegraph office Saturday night. I received it on Sunday forenoon at my residence. A copy of the dispatch was furnished to the President several days afterwards, along with all the other dispatches

and communications on that subject, but it was not furnished by me before that time. I suppose it may have been ten or fifteen days afterwards.

Q. The President himself being in correspondence with those parties upon the same subject, would it not have been proper to have advised him of the reception of that dispatch?

A. I know nothing about his correspondence, and know nothing about any correspondence except this one dispatch. We had intelligence of the riot on Thursday morning. The riot had taken place on Monday.

It is a difficult matter to define all the relations which exist between the heads of Departments and the President. The legal relations are well enough defined. The Constitution places these officers in the relation of his advisers when he calls upon them for advice. The acts of Congress go further. Take, for example, the act of 1789 creating the War Department. It provides that—

> There shall be a principal officer therein to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States; and, furthermore, the said principal officer shall conduct the business of the said Department in such manner as the President of the United States shall from time to time order and instruct.

Provision is also made for the appointment of an inferior officer by the head of the Department, to be called the chief clerk, "who, whenever said principal officer shall be removed from office by the President of the United States," shall have the charge and custody of the books, records, and papers of the Department.

The legal relation is analogous to that of principal and agent. It is the President upon whom the Constitution devolves, as head of the executive department, the duty to see that the laws are faithfully executed; but as he can not execute them in person, he is allowed to select his agents, and is made responsible for their acts within just limits. So complete is this presumed delegation of authority in the relation of a head of Department to the President that the Supreme Court of the United States have decided that an order made by a head of Department is presumed to be made by the President himself.

The principal, upon whom such responsibility is placed for the acts of a subordinate, ought to be left as free as possible in the matter of selection and of dismissal. To hold him to responsibility for an officer beyond his control; to leave the question of the fitness of such an agent to be decided *for* him and not *by* him; to allow such a subordinate, when the President, moved by "public considerations of a high character," requests his resignation, to assume for himself an equal right to act upon his own views of "public considerations" and to make his own conclusions paramount to those of the President—to allow all this is to reverse the just order of administration and to place the subordinate above the superior.

There are, however, other relations between the President and a head of Department beyond these defined legal relations, which necessarily attend

them, though not expressed. Chief among these is mutual confidence This relation is so delicate that it is sometimes hard to say when or how it ceases. A single flagrant act may end it at once, and then there is no difficulty. But confidence may be just as effectually destroyed by a series of causes too subtle for demonstration. As it is a plant of slow growth, so, too, it may be slow in decay. Such has been the process here. I will not pretend to say what acts or omissions have broken up this relation. They are hardly susceptible of statement, and still less of formal proof. Nevertheless, no one can read the correspondence of the 5th of August without being convinced that this relation was effectually gone on both sides, and that while the President was unwilling to allow Mr. Stanton to remain in his Administration, Mr. Stanton was equally unwilling to allow the President to carry on his Administration without his presence.

In the great debate which took place in the House of Representatives in 1789, in the first organization of the principal Departments, Mr. Madison spoke as follows:

> It is evidently the intention of the Constitution that the first magistrate should be responsible for the executive department. So far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to the country. Again: Is there no danger that an officer, when he is appointed by the concurrence of the Senate and has friends in that body, may choose rather to risk his establishment on the favor of that branch than rest it upon the discharge of his duties to the satisfaction of the executive branch, which is constitutionally authorized to inspect and control his conduct? And if it should happen that the officers connect themselves with the Senate, they may mutually support each other, and for want of efficacy reduce the power of the President to a mere vapor, in which case his responsibility would be annihilated, and the expectation of it is unjust. The high executive officers, joined in cabal with the Senate, would lay the foundation of discord, and end in an assumption of the executive power only to be removed by a revolution in the Government.

Mr. Sedgwick, in the same debate, referring to the proposition that a head of Department should only be removed or suspended by the concurrence of the Senate, used this language:

> But if proof be necessary, what is then the consequence? Why, in nine cases out of ten, where the case is very clear to the mind of the President that the man ought to be removed, the effect can not be produced, because it is absolutely impossible to produce the necessary evidence. Are the Senate to proceed without evidence? Some gentlemen contend not. Then the object will be lost. Shall a man under these circumstances be saddled upon the President who has been appointed for no other purpose but to aid the President in performing certain duties? Shall he be continued, I ask again, against the will of the President? If he is, where is the responsibility? Are you to look for it in the President, who has no control over the officer, no power to remove him if he acts unfeelingly or unfaithfully? Without you make him responsible you weaken and destroy the strength and beauty of your system. What is to be done in cases which can only be known from a long acquaintance with the conduct of an officer?

I had indulged the hope that upon the assembling of Congress Mr. Stanton would have ended this unpleasant complication according to his

intimation given in his note of August 12. The duty which I have felt myself called upon to perform was by no means agreeable, but I feel that I am not responsible for the controversy or for the consequences.

Unpleasant as this necessary change in my Cabinet has been to me upon personal considerations, I have the consolation to be assured that so far as the public interests are involved there is no cause for regret.

Salutary reforms have been introduced by the Secretary *ad interim*, and great reductions of expenses have been effected under his administration of the War Department, to the saving of millions to the Treasury.

ANDREW JOHNSON.

WASHINGTON, *December 14, 1867.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 9th instant, I transmit herewith a copy of the papers relating to the trial by a military commission of Albert M. D. C. Lusk, of Louisiana. No action in the case has yet been taken by the President.

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the House of Representatives:

I transmit for the information of the House of Representatives a report from the Secretary of State, with an accompanying paper.*

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 6th instant, concerning the International Monetary Conference held at Paris in June last, I transmit a report from the Secretary of State, which is accompanied by the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, an agreement between the diplomatic representatives of certain foreign powers in Japan, including the minister of the United States, on the one part, and plenipotentiaries on the part of the Japanese Government, relative to the settlement of Yokohama.

* Report of George H. Sharpe relative to the assassination of President Lincoln and the attempted assassination of Secretary Seward.

This instrument can not be legally binding upon the United States unless sanctioned by the Senate. There appears to be no objection to its approval.

A copy of General Van Valkenburgh's dispatch to the Secretary of State, by which the agreement was accompanied, and of the map to which it refers, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 18, 1867.*

Gentlemen of the Senate and of the House of Representatives:

An official copy of the order issued by Major-General Winfield S. Hancock, commander of the Fifth Military District, dated headquarters in New Orleans, La., on the 29th day of November, has reached me through the regular channels of the War Department, and I herewith communicate it to Congress for such action as may seem to be proper in view of all the circumstances.

It will be perceived that General Hancock announces that he will make the law the rule of his conduct; that he will uphold the courts and other civil authorities in the performance of their proper duties, and that he will use his military power only to preserve the peace and enforce the law. He declares very explicitly that the sacred right of the trial by jury and the privilege of the writ of *habeas corpus* shall not be crushed out or trodden under foot. He goes further, and in one comprehensive sentence asserts that the principles of American liberty are still the inheritance of this people and ever should be.

When a great soldier, with unrestricted power in his hands to oppress his fellow-men, voluntarily foregoes the chance of gratifying his selfish ambition and devotes himself to the duty of building up the liberties and strengthening the laws of his country, he presents an example of the highest public virtue that human nature is capable of practicing. The strongest claim of Washington to be "first in war, first in peace, and first in the hearts of his countrymen" is founded on the great fact that in all his illustrious career he scrupulously abstained from violating the legal and constitutional rights of his fellow-citizens. When he surrendered his commission to Congress, the President of that body spoke his highest praise in saying that he had "always regarded the rights of the civil authorities through all dangers and disasters." Whenever power above the law courted his acceptance, he calmly put the temptation aside. By such magnanimous acts of forbearance he won the universal admiration of mankind and left a name which has no rival in the history of the world.

I am far from saying that General Hancock is the only officer of the American Army who is influenced by the example of Washington. Doubtless thousands of them are faithfully devoted to the principles for which the men of the Revolution laid down their lives. But the distinguished honor belongs to him of being the first officer in high command

south of the Potomac, since the close of the civil war, who has given utterance to these noble sentiments in the form of a military order.

I respectfully suggest to Congress that some public recognition of General Hancock's patriotic conduct is due, if not to him, to the friends of law and justice throughout the country. Of such an act as his at such a time it is but fit that the dignity should be vindicated and the virtue proclaimed, so that its value as an example may not be lost to the nation.

ANDREW JOHNSON.

WASHINGTON, *December 19, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to a resolution of that body of the 16th instant, a report* from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *December 20, 1867.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 20th instant, with the accompanying papers, received from the Secretary of State in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *December 31, 1867.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 18th instant, requesting information concerning alleged interference by Russian naval vessels with whaling vessels of the United States, I transmit a report from the Secretary of State and the papers referred to therein.

ANDREW JOHNSON.

WASHINGTON, *January 6, 1868.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of the Treasury, containing the information requested in their resolution of the 16th ultimo, relative to the amount of United States bonds issued to the Union Pacific Railroad Company and each of its branches, including the Central Pacific Railroad Company of California.

ANDREW JOHNSON.

*Relating to the removal of Governor Ballard, of the Territory of Idaho.

LAYING THE TELEGRAPH CABLE IN MID-ATLANTIC

THE ATLANTIC TELEGRAPH

Three achievements of industry are typical of the vigor with which the pursuits of commerce were resumed after the close of the Civil War. The Atlantic telegraph is one; the *Great Eastern* and the Pacific Railroad are the others.

Morse, the inventor of the telegraph, saw no reason why messages could not be transmitted across the Atlantic and energetically expressed his views in public and private. When Cyrus W. Field of New York was interviewed regarding investing in a 400-mile system in Newfoundland, Morse's ideas occurred to him and he determined to run the system from Newfoundland to Europe. In 1854 an association for the purpose was formed. After many failures and disappointments the two vessels supplied by the United States and British Governments met in mid-ocean, spliced their respective portions of the cable, and turned homeward, paying out the cable as they went, as shown by the illustration. The cable extended 1,950 miles and connected Ireland and Newfoundland. This cable soon ceased to work, and the Civil War prevented further efforts until 1865, when the *Great Eastern* started to lay an improved cable. Again failure overtook the project; a sudden heave of the ship snapped the cable and it sank. On July 27, 1866, a permanent cable was laid and Field's labor was rewarded by success.

Presidential references to this undertaking are cited in the index (volume eleven), under the heading "Atlantic Telegraph."

WASHINGTON, *January 7, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, making inquiry how many and what State legislatures have ratified the proposed amendment to the Constitution of the United States known as the fourteenth article.

ANDREW JOHNSON.

WASHINGTON, *January 7, 1868.*

To the Senate and House of Representatives:

A Spanish steamer named *Nuestra Señora* being in the harbor of Port Royal, S. C., on the 1st of December, 1861, Brigadier-General T. W. Sherman, who was in command of the United States forces there, received information which he supposed justified him in seizing her, as she was on her way from Charleston to Havana with insurgent correspondence on board. The seizure was made accordingly, and during the ensuing spring the vessel was sent to New York, in order that the legality of the seizure might be tried.

By a decree of June 20, 1863, Judge Betts ordered the vessel to be restored, and by a subsequent decree, of October 15, 1863, he referred the adjustment of damages to amicable negotiations between the two Governments.

While the proceeding in admiralty was pending, the vessel was appraised and taken by the Navy Department at the valuation of $28,000, which sum that Department paid into the Treasury.

As the amount of this valuation can not legally be drawn from the Treasury without authority from Congress, I recommend an appropriation for that purpose.

It is proposed to appoint a commissioner on the part of this Government to adjust, informally in this case, with a similar commissioner on the part of Spain, the question of damages, the commissioners to name an arbiter for points upon which they may disagree. When the amount of the damages shall thus have been ascertained, application will be made to Congress for a further appropriation toward paying them.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 14, 1868.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of War *ad interim*, with the accompanying papers, prepared in compliance with a resolution of the House of Representatives of March 15, 1867, requesting information in reference to contracts for ordnance projectiles and small arms.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 14, 1868.*

To the Senate and House of Representatives:

I transmit herewith the report made by the commissioners appointed under the act of Congress approved on the 20th day of July, 1867, entitled "An act to establish peace with certain hostile Indian tribes," together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *January 14, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of yesterday, calling for information relating to the appointment of the American minister at Pekin to a diplomatic or other mission on behalf of the Chinese Government by the Emperor of China, I transmit a report from the Secretary of State upon the subject, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON CITY, *January 14, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, the following treaties, concluded at "Medicine Lodge Creek," Kansas, between the Indian tribes therein named and the United States, by their commissioners appointed by the act of Congress approved July 20, 1867, entitled "An act to establish peace with certain hostile Indian tribes," viz:

A treaty with the Kiowa and Comanche tribes, concluded October 21, 1867.

A treaty with the Kiowa, Comanche, and Apache tribes, concluded October 28, 1867.

A treaty with the Arapahoe and Cheyenne tribes, dated October 28, 1867.

A letter of this date from the Secretary of the Interior, transmitting said treaties, is herewith inclosed.

ANDREW JOHNSON.

WASHINGTON, *January 17, 1868.*

To the Senate of the United States:

With reference to the convention between the United States and Denmark for the cession of the islands of St. Thomas and St. John, in the West Indies, I transmit a report from the Secretary of State on the subject of the vote of St. Thomas on the question of accepting the cession.

ANDREW JOHNSON

WASHINGTON, D. C., *January 23, 1868.*

To the Senate of the United States:

In compliance with the request of the Senate of yesterday, I return herewith their resolution of the 21st instant, calling for information in reference to James A. Seddon, late Secretary of War of the so-called Confederate States.

ANDREW JOHNSON.

WASHINGTON, *January 23, 1868.*

To the Senate of the United States:

I have received the following preamble and resolution, adopted by the Senate on the 8th instant:

Whereas Senate bill No. 141, and entitled "An act for the further security of equal rights in the District of Columbia," having at this present session passed both Houses of Congress, was afterwards, on the 11th day of December, 1867, duly presented to the President of the United States for his approval and signature; and

Whereas more than ten days, exclusive of Sundays, have since elapsed in this session without said bill having been returned, either approved or disapproved: Therefore,

Resolved, That the President of the United States be requested to inform the Senate whether said bill has been delivered to and received by the Secretary of State, as provided by the second section of the act of the 27th day of July, 1789.

As the act which the resolution mentions has no relevancy to the subject under inquiry, it is presumed that it was the intention of the Senate to refer to the law of the 15th September, 1789, the second section of which prescribes—

That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall in such case be received by the said Secretary from the President of the Senate or the Speaker of the House of Representatives, in whichsoever House it shall last have been so approved.

Inasmuch as the bill "for the further security of equal rights in the District of Columbia" has not become a law in either of the modes designated in the section above quoted, it has not been delivered to the Secretary of State for record and promulgation. The Constitution expressly declares that—

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

As stated in the preamble to the resolution, the bill to which it refers was presented for my approval on the 11th day of December, 1867. On

the 20th of same month, and before the expiration of the ten days after the presentation of the bill to the President, the two Houses, in accordance with a concurrent resolution adopted on the 3d [13th] of December, adjourned until the 6th of January, 1868. Congress by their adjournment thus prevented the return of the bill within the time prescribed by the Constitution, and it was therefore left in the precise condition in which that instrument positively declares a bill "shall not be a law."

If the adjournment in December did not cause the failure of this bill, because not such an adjournment as is contemplated by the Constitution in the clause which I have cited, it must follow that such was the nature of the adjournments during the past year, on the 30th day of March until the first Wednesday of July and from the 20th of July until the 21st of November. Other bills will therefore be affected by the decision which may be rendered in this case, among them one having the same title as that named in the resolution, and containing similar provisions, which, passed by both Houses in the month of July last, failed to become a law by reason of the adjournment of Congress before ten days for its consideration had been allowed the Executive.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 22d instant, calling for a copy of the report of Abram S. Hewitt, commissioner of the United States to the Paris Universal Exhibition of 1867, I transmit a report from the Secretary of State and the papers which accompany it

ANDREW JOHNSON.

WASHINGTON, *January 27, 1868.*

To the Senate and House of Representatives:

I transmit a report from the Secretary of State and the documents to which it refers, in relation to the formal transfer of territory from Russia to the United States in accordance with the treaty of the 30th of March last.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1868.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, an additional article to the treaty of navigation and commerce with Russia of the 18th of December, 1832, which additional article was concluded and signed between the plenipotentiaries of the two Governments at Washington on the 27th instant.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, suggesting the necessity for a further appropriation toward defraying the expense of employing copying clerks, with a view to enable his Department seasonably to answer certain calls for information.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 27th ultimo, directing the Secretary of State to furnish information in regard to the trial of John H. Surratt, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the House of Representatives:

I transmit herewith a report* from the Secretary of State, in answer to a resolution of the House of Representatives of the 28th of January.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, relative to depredations upon and the future care of the reservations of lands for the "purpose of supplying timber for the Navy of the United States."

ANDREW JOHNSON.

WASHINGTON, D. C., *February 10, 1868.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 1st instant, I transmit herewith a report from the Postmaster-General, in reference to the appointment of a special agent to take charge of the post-office at Penn Yan, in the State of New York.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the Senate of the United States:

I transmit a report from the Secretary of State, with the accompanying papers on the subject of a transfer of the Peninsula and Bay of

*Relating to the famine in Sweden and Norway.

Samana to the United States. The advice and consent of the Senate to the transfer, upon the terms proposed in the draft of a convention with the Dominican Republic, are requested.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, the accompanying consular convention between the United States and the Govenrment of His Majesty the King of Italy.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 10, 1868.*

To the Senate of the United States:

I transmit herewith a report from the Attorney-General, prepared in compliance with the resolution of the Senate of the 30th ultimo, requesting information as to the number of justices of the peace now in commission in each ward, respectively, of the city of Washington.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the two years last past, I transmit a partial report from the Secretary of State, which is accompanied by a portion of the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 11, 1868.*

To the House of Representatives:

In compliance with the resolution adopted yesterday by the House of Representatives, requesting any further correspondence the President "may have had with General U. S. Grant, in addition to that heretofore submitted, on the subject of the recent vacation by the latter of the War Office," I transmit herewith a copy of a communication addressed to General Grant on the 10th instant, together with a copy of the accompanying papers.

ANDREW JOHNSON

General U. S. GRANT, EXECUTIVE MANSION, *February 10, 1868.*
Commanding Armies of the United States, Washington, D. C.

GENERAL: The extraordinary character of your letter of the 3d instant* would seem to preclude any reply on my part; but the manner in which publicity has been given to the correspondence of which that letter forms a part and the grave questions which are involved induce me to take this mode of giving, as a proper sequel to the communications which have passed between us, the statements of the five members of the Cabinet who were present on the occasion of our conversation on the 14th ultimo. Copies of the letters which they have addressed to me upon the subject are accordingly herewith inclosed.

You speak of my letter of the 31st ultimo† as a reiteration of the "many and gross misrepresentations" contained in certain newspaper articles, and reassert the correctness of the statements contained in your communication of the 28th ultimo,‡ adding—and here I give your own words—"anything in yours in reply to it to the contrary notwithstanding."

When a controversy upon matters of fact reaches the point to which this has been brought, further assertion or denial between the immediate parties should cease, especially where upon either side it loses the character of the respectful discussion which is required by the relations in which the parties stand to each other and degenerates in tone and temper. In such a case, if there is nothing to rely upon but the opposing statements, conclusions must be drawn from those statements alone and from whatever intrinsic probabilities they afford in favor of or against either of the parties. I should not shrink from this test in this controversy; but, fortunately, it is not left to this test alone. There were five Cabinet officers present at the conversation the detail of which in my letter of the 28th [31st†] ultimo you allow yourself to say contains "many and gross misrepresentations." These gentlemen heard that conversation and have read my statement. They speak for themselves, and I leave the proof without a word of comment.

I deem it proper before concluding this communication to notice some of the statements contained in your letter.

You say that a performance of the promises alleged to have been made by you to the President "would have involved a resistance to law and an inconsistency with the whole history of my connection with the suspension of Mr. Stanton." You then state that you had fears the President would, on the removal of Mr. Stanton, appoint someone in his place who would embarrass the Army in carrying out the reconstruction acts, and add:

"It was to prevent such an appointment that I accepted the office of Secretary of War *ad interim*, and not for the purpose of enabling you to get rid of Mr. Stanton by withholding it from him in opposition to law, or, not doing so myself, surrendering it to one who would, as the statements and assumptions in your communication plainly indicate was sought."

First of all, you here admit that from the very beginning of what you term "the whole history" of your connection with Mr. Stanton's suspension you intended to circumvent the President. It was to carry out that intent that you accepted the appointment. This was in your mind at the time of your acceptance. It was not, then, in obedience to the order of your superior, as has heretofore been supposed, that you assumed the duties of the office. You knew it was the President's purpose to prevent Mr. Stanton from resuming the office of Secretary of War, and you intended to defeat that purpose. You accepted the office, not in the interest of the President, but of Mr. Stanton. If this purpose, so entertained by you, had been confined to yourself; if when accepting the office you had done so with a mental reservation to frustrate the President, it would have been a tacit deception. In the ethics of

*See pp. 3816-3818. †See pp. 3813-3816. ‡See pp. 3811-3813.

some persons such a course is allowable. But you can not stand even upon that questionable ground. The "history" of your connection with this transaction, as written by yourself, places you in a different predicament, and shows that you not only concealed your design from the President, but induced him to suppose that you would carry out his purpose to keep Mr. Stanton out of office by retaining it yourself after an attempted restoration by the Senate, so as to require Mr. Stanton to establish his right by judicial decision.

I now give that part of this "history" as written by yourself in your letter of the 28th ultimo:*

"Some time after I assumed the duties of Secretary of War *ad interim* the President asked me my views as to the course Mr. Stanton would have to pursue, in case the Senate should not concur in his suspension, to obtain possession of his office. My reply was, in substance, that Mr. Stanton would have to appeal to the courts to reinstate him, illustrating my position by citing the ground I had taken in the case of the Baltimore police commissioners."

Now, at that time, as you admit in your letter of the 3d instant,† you held the office for the very object of defeating an appeal to the courts. In that letter you say that in accepting the office one motive was to prevent the President from appointing some other person who would retain possession, and thus make judicial proceedings necessary. You knew the President was unwilling to trust the office with anyone who would not by holding it compel Mr. Stanton to resort to the courts. You perfectly understood that in this interview, "some time" after you accepted the office, the President, not content with your silence, desired an expression of your views, and you answered him that Mr. Stanton "would have to appeal to the courts." If the President reposed confidence *before* he knew your views, and that confidence had been violated, it might have been said he made a mistake; but a violation of confidence reposed *after* that conversation was no mistake of his nor of yours. It is the fact only that needs be stated, that at the date of this conversation you did not intend to hold the office with the purpose of forcing Mr. Stanton into court, but did hold it then and had accepted it to prevent that course from being carried out. In other words, you said to the President, "That is the proper course," and you said to yourself, "I have accepted this office, and now hold it to defeat that course." The excuse you make in a subsequent paragraph of that letter of the 28th ultimo,* that afterwards you changed your views as to what would be a proper course, has nothing to do with the point now under consideration. The point is that *before* you changed your views you had secretly determined to do the very thing which at last you did—surrender the office to Mr. Stanton. You may have changed your views as to the law, but you certainly did not change your views as to the course you had marked out for yourself from the beginning.

I will only notice one more statement in your letter of the 3d instant†—that the performance of the promises which it is alleged were made by you would have involved you in the resistance of law. I know of no statute that would have been violated had you, carrying out your promises in good faith, tendered your resignation when you concluded not to be made a party in any legal proceedings. You add:

"I am in a measure confirmed in this conclusion by your recent orders directing me to disobey orders from the Secretary of War, *my superior* and your subordinate, without having countermanded his authority to issue the orders I am to disobey."

On the 24th‡ ultimo you addressed a note to the President requesting in writing an order given to you verbally five days before to disregard orders from Mr. Stanton as Secretary of War until you "knew from the President himself that they were his orders."

On the 29th,§ in compliance with your request, I did give you instructions in writing "not to obey any order from the War Department assumed to be issued by the

*See pp. 3811–3813. †See pp. 3816–3818. ‡See p. 3811. §See p. 3813.

direction of the President unless such order is known by the General Commanding the armies of the United States to have been authorized by the Executive."

There are some orders which a Secretary of War may issue without the authority of the President, there are others which he issues simply as the agent of the President, and which purport to be "by direction" of the President. For such orders the President is responsible, and he should therefore know and understand what they are before giving such "direction." Mr. Stanton states in his letter of the 4th instant,* which accompanies the published correspondence, that he "has had no correspondence with the President since the 12th of August last;" and he further says that since he resumed the duties of the office he has continued to discharge them "without any personal or written communication with the President;" and he adds, "No orders have been issued from this Department in the name of the President with my knowledge, and I have received no orders from him."

It thus seems that Mr. Stanton now discharges the duties of the War Department without any reference to the President and without using his name.

My order to you had only reference to orders "assumed to be issued by the direction of the President." It would appear from Mr. Stanton's letter that you have received no such orders from him. However, in your note to the President of the 30th ultimo,† in which you acknowledge the receipt of the written order of the 29th,† you say that you have been informed by Mr. Stanton that he has not received any order limiting his authority to issue orders to the Army, according to the practice of the Department, and state that "while this authority to the War Department is not countermanded it will be satisfactory evidence to me that any orders issued from the War Department by direction of the President are authorized by the Executive."

The President issues an order to you to obey no order from the War Department purporting to be made "by the direction of the President" until you have referred it to him for his approval. You reply that you have received the President's order and will not obey it, but will obey an order purporting to be given by his direction *if it comes from the War Department.* You will not obey the direct order of the President, but will obey his indirect order. If, as you say, there has been a practice in the War Department to issue orders in the name of the President without his direction, does not the precise order you have requested and have received change the practice as to the General of the Army? Could not the President countermand any such order issued to you from the War Department? If you should receive an order from that Department, issued in the name of the President, to do a special act, and an order directly from the President himself not to do the act, is there a doubt which you are to obey? You answer the question when you say to the President, in your letter of the 3d instant,‡ the Secretary of War is "my superior and your subordinate," and yet you refuse obedience to the superior out of a deference to the subordinate.

Without further comment upon the insubordinate attitude which you have assumed, I am at a loss to know how you can relieve yourself from obedience to the orders of the President, who is made by the Constitution the Commander in Chief of the Army and Navy, and is therefore the official superior as well of the General of the Army as of the Secretary of War.

Respectfully, yours, ANDREW JOHNSON.

[Letter addressed to each of the members of the Cabinet present at the conversation between the President and General Grant on the 14th of January, 1868, and answers thereto.]

EXECUTIVE MANSION, *Washington, D. C., February 5, 1868.*

SIR: The Chronicle of this morning contains a correspondence between the President and General Grant reported from the War Department in answer to a resolution of the House of Representatives.

*See pp. 3810-3811. †See p. 3813. ‡See pp. 3816-3818.

I beg to call your attention to that correspondence, and especially to that part of it which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January, and to request you to state what was said in that conversation.

Very respectfully, yours,

ANDREW JOHNSON.

WASHINGTON, D. C., *February 5, 1868.*

The PRESIDENT.

SIR: Your note of this date was handed to me this evening. My recollection of the conversation at the Cabinet meeting on Tuesday, the 14th of January, corresponds with your statement of it in the letter of the 31st ultimo* in the published correspondence.

The three points specified in that letter, giving your recollection of the conversation, are correctly stated.

Very respectfully,

GIDEON WELLES.

TREASURY DEPARTMENT, *February 6, 1868.*

The PRESIDENT.

SIR: I have received your note of the 5th instant, calling my attention to the correspondence between yourself and General Grant as published in the Chronicle of yesterday, especially to that part of it which relates to what occurred at the Cabinet meeting on Tuesday, the 14th ultimo, and requesting me to state what was said in the conversation referred to.

I can not undertake to state the precise language used, but I have no hesitation in saying that your account of that conversation as given in your letter to General Grant under date of the 31st ultimo* substantially and in all important particulars accords with my recollection of it.

With great respect, your obedient servant,

HUGH McCULLOCH.

POST-OFFICE DEPARTMENT,
Washington, February 6, 1868.

The PRESIDENT.

SIR: I am in receipt of your letter of the 5th of February, calling my attention to the correspondence published in the Chronicle between the President and General Grant, and especially to that part of it which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January, with a request that I state what was said in that conversation.

In reply I have the honor to state that I have read carefully the correspondence in question, and particularly the letter of the President to General Grant dated January 31, 1868.* The following extract from your letter of the 31st January to General Grant is, according to my recollection, a correct statement of the conversation that took place between the President and General Grant at the Cabinet meeting on the 14th of January last. In the presence of the Cabinet the President asked General Grant whether, "in conversation which took place after his appointment as Secretary of War *ad interim*, he did not agree either to remain at the head of the War Department and abide any judicial proceedings that might follow the nonconcurrence by the Senate in Mr. Stanton's suspension, or, should he wish not to become involved in such a controversy, to put the President in the same position with respect to the office as he occupied previous to General Grant's appointment, by returning

*See pp. 3813-3816

it to the President in time to anticipate such action by the Senate." This General Grant admitted.

The President then asked General Grant if at the conference on the preceding Saturday he had not, to avoid misunderstanding, requested General Grant to state what he intended to do, and, further, if in reply to that inquiry he (General Grant) had not referred to their former conversations, saying that from them the President understood his position, and that his (General Grant's) action would be consistent with the understanding which had been reached.

To these questions General Grant replied in the affirmative.

The President asked General Grant if at the conclusion of their interview on Saturday it was not understood that they were to have another conference on Monday before final action by the Senate in the case of Mr. Stanton.

General Grant replied that such was the understanding, but that he did not suppose the Senate would act so soon; that on Monday he had been engaged in a conference with General Sherman, and was occupied with "many little matters," and asked if General Sherman had not called on that day.

I take this mode of complying with the request contained in the President's letter to me, because my attention had been called to the subject before, when the conversation between the President and General Grant was under consideration.

Very respectfully, your obedient servant,

ALEX. W. RANDALL,
Postmaster-General.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 6, 1868.

The PRESIDENT.

SIR: I am in receipt of yours of yesterday, calling my attention to a correspondence between yourself and General Grant published in the Chronicle newspaper, and especially to that part of said correspondence "which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January," and requesting me "to state what was said in that conversation."

In reply I submit the following statement: At the Cabinet meeting on Tuesday, the 14th of January, 1868, General Grant appeared and took his accustomed seat at the board. When he had been reached in the order of business, the President asked him, as usual, if he had anything to present.

In reply the General, after referring to a note which he had that morning addressed to the President, inclosing a copy of the resolution of the Senate refusing to concur in the reasons for the suspension of Mr. Stanton, proceeded to say that he regarded his duties as Secretary of War *ad interim* terminated by that resolution, and that he could not lawfully exercise such duties for a moment after the adoption of the resolution by the Senate; that the resolution reached him last night, and that this morning he had gone to the War Department, entered the Secretary's room, bolted one door on the inside, locked the other on the outside, delivered the key to the Adjutant-General, and proceeded to the Headquarters of the Army and addressed the note above mentioned to the President, informing him that he (General Grant) was no longer Secretary of War *ad interim*.

The President expressed great surprise at the course which General Grant had thought proper to pursue, and, addressing himself to the General, proceeded to say, in substance, that he had anticipated such action on the part of the Senate, and, being very desirous to have the constitutionality of the tenure-of-office bill tested and his right to suspend or remove a member of the Cabinet decided by the judicial tribunals of the country, he had some time ago, and shortly after General Grant's appointment as Secretary of War *ad interim*, asked the General what his action would be in the event that the Senate should refuse to concur in the suspension of

Mr. Stanton, and that the General had then agreed either to remain at the head of the War Department till a decision could be obtained from the court or resign the office into the hands of the President before the case was acted upon by the Senate, so as to place the President in the same situation he occupied at the time of his (Grant's) appointment.

The President further said that the conversation was renewed on the preceding Saturday, at which time he asked the General what he intended to do if the Senate should undertake to reinstate Mr. Stanton, in reply to which the General referred to their former conversation upon the same subject and said: "You understand my position, and my conduct will be conformable to that understanding;" that he (the General) then expressed a repugnance to being made a party to a judicial proceeding, saying that he would expose himself to fine and imprisonment by doing so, as his continuing to discharge the duties of Secretary of War *ad interim* after the Senate should have refused to concur in the suspension of Mr. Stanton would be a violation of the tenure-of-office bill; that in reply to this he (the President) informed General Grant he had not suspended Mr. Stanton under the tenure-of-office bill, but by virtue of the powers conferred on him by the Constitution; and that, as to the fine and imprisonment, he (the President) would pay whatever fine was imposed and submit to whatever imprisonment might be adjudged against him (the General); that they continued the conversation for some time, discussing the law at length, and that they finally separated without having reached a definite conclusion, and with the understanding that the General would see the President again on Monday.

In reply General Grant admitted that the conversations had occurred, and said that at the first conversation he had given it as his opinion to the President that in the event of nonconcurrence by the Senate in the action of the President in respect to the Secretary of War the question would have to be decided by the court—that Mr. Stanton would have to appeal to the court to reinstate him in office; that the *ins* would remain in till they could be displaced and the *outs* put in by legal proceedings; and that he *then* thought so, and had agreed that if he should change his mind he would notify the President in time to enable him to make another appointment, but that at the time of the first conversation he had not looked very closely into the law; that it had recently been discussed by the newspapers, and that this had induced him to examine it more carefully, and that he had come to the conclusion that if the Senate should refuse to concur in the suspension Mr. Stanton would thereby be reinstated, and that he (Grant) could not continue thereafter to act as Secretary of War *ad interim* without subjecting himself to fine and imprisonment, and that he came over on Saturday to inform the President of this change in his views, and did so inform him; that the President replied that he had not suspended Mr. Stanton under the tenure-of-office bill, but under the Constitution, and had appointed him (Grant) by virtue of the authority derived from the Constitution, etc.; that they continued to discuss the matter some time, and finally he left, without any conclusion having been reached, expecting to see the President again on Monday.

He then proceeded to explain why he had not called on the President on Monday, saying that he had had a long interview with General Sherman, that various little matters had occupied his time till it was late, and that he did not think the Senate would act so soon, and asked: "Did not General Sherman call on you on Monday?"

I do not know what passed between the President and General Grant on Saturday, except as I learned it from the conversation between them at the Cabinet meeting on Tuesday, and the foregoing is substantially what then occurred. The precise words used on the occasion are not, of course, given exactly in the order in which they were spoken, but the ideas expressed and the facts stated are faithfully preserved and presented.

I have the honor to be, sir, with great respect, your obedient servant,

O. H. BROWNING.

DEPARTMENT OF STATE,
Washington, February 6, 1868.

The PRESIDENT.

SIR: The meeting to which you refer in your letter was a regular Cabinet meeting. While the members were assembling, and before the President had entered the council chamber, General Grant on coming in said to me that he was in attendance there, not as a member of the Cabinet, but upon invitation, and I replied by the inquiry whether there was a change in the War Department. After the President had taken his seat, business went on in the usual way of hearing matters submitted by the several Secretaries. When the time came for the Secretary of War, General Grant said that he was now there, not as Secretary of War, but upon the President's invitation; that he had retired from the War Department. A slight difference then appeared about the supposed invitation, General Grant saying that the officer who had borne his letter to the President that morning announcing his retirement from the War Department had told him that the President desired to see him at the Cabinet, to which the President answered that when General Grant's communication was delivered to him the President simply replied that he supposed General Grant would be very soon at the Cabinet meeting. I regarded the conversation thus begun as an incidental one. It went on quite informally, and consisted of a statement on your part of your views in regard to the understanding of the tenure upon which General Grant had assented to hold the War Department *ad interim* and of his replies by way of answer and explanation. It was respectful and courteous on both sides. Being in this conversational form, its details could only have been preserved by verbatim report. So far as I know, no such report was made at the time. I can give only the general effect of the conversation. Certainly you stated that, although you had reported the reasons for Mr. Stanton's suspension to the Senate, you nevertheless held that he would not be entitled to resume the office of Secretary of War even if the Senate should disapprove of his suspension, and that you had proposed to have the question tested by judicial process, to be applied to the person who should be the incumbent of the Department under your designation of Secretary of War *ad interim* in the place of Mr. Stanton. You contended that this was well understood between yourself and General Grant; that when he entered the War Department as Secretary *ad interim* he expressed his concurrence in a belief that the question of Mr. Stanton's restoration would be a question for the courts; that in a subsequent conversation with General Grant you had adverted to the understanding thus had, and that General Grant expressed his concurrence in it; that at some conversation which had been previously held General Grant said he still adhered to the same construction of the law, but said if he should change his opinion he would give you seasonable notice of it, so that you should in any case be placed in the same position in regard to the War Department that you were while General Grant held it *ad interim*. I did not understand General Grant as denying nor as explicitly admitting these statements in the form and full extent to which you made them. His admission of them was rather indirect and circumstantial, though I did not understand it to be an evasive one. He said that, reasoning from what occurred in the case of the police in Maryland, which he regarded as a parallel one, he was of opinion, and so assured you, that it would be his right and duty under your instructions to hold the War Office after the Senate should disapprove of Mr. Stanton's suspension until the question should be decided upon by the courts; that he remained until very recently of that opinion, and that on the Saturday before the Cabinet meeting a conversation was held between yourself and him in which the subject was generally discussed.

General Grant's statement was that in that conversation he had stated to you the legal difficulties which might arise, involving fine and imprisonment, under the civil-tenure bill, and that he did not care to subject himself to those penalties; that you replied to this remark that you regarded the civil-tenure bill as unconstitutional

and did not think its penalties were to be feared, or that you would voluntarily assume them; and you insisted that General Grant should either retain the office until relieved by yourself, according to what you claimed was the original understanding between yourself and him, or, by seasonable notice of change of purpose on his part, put you in the same situation which you would be if he adhered. You claimed that General Grant finally said in that Saturday's conversation that you understood his views, and his proceedings thereafter would be consistent with what had been so understood. General Grant did not controvert, nor can I say that he admitted, this last statement. Certainly General Grant did not at any time in the Cabinet meeting insist that he had in the Saturday's conversation, either distinctly or finally, advised you of his determination to retire from the charge of the War Department otherwise than under your own subsequent direction. He acquiesced in your statement that the Saturday's conversation ended with an expectation that there would be a subsequent conference on the subject, which he, as well as yourself, supposed could seasonably take place on Monday. You then alluded to the fact that General Grant did not call upon you on Monday, as you had expected from that conversation. General Grant admitted that it was his expectation or purpose to call upon you on Monday. General Grant assigned reasons for the omission. He said he was in conference with General Sherman; that there were many little matters to be attended to; he had conversed upon the matter of the incumbency of the War Department with General Sherman, and he expected that General Sherman would call upon you on Monday. My own mind suggested a further explanation, but I do not remember whether it was mentioned or not, namely, that it was not supposed by General Grant on Monday that the Senate would decide the question so promptly as to anticipate further explanation between yourself and him if delayed beyond that day. General Grant made another explanation—that he was engaged on Sunday with General Sherman, and I think, also, on Monday, in regard to the War Department matter, with a hope, though he did not say in an effort, to procure an amicable settlement of the affair of Mr. Stanton, and he still hoped that it would be brought about.

I have the honor to be, with great respect, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, D. C., *February 11, 1868.*

To the House of Representatives:

The accompanying letter from General Grant, received since the transmission to the House of Representatives of my communication of this date, is submitted to the House as a part of the correspondence referred to in the resolution of the 10th instant.

ANDREW JOHNSON.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 11, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant,* accompanied by statements of five Cabinet ministers of their recollection of what occurred in Cabinet meeting on the 14th of January. Without admitting anything in these statements where they differ from anything heretofore stated by me, I propose to notice only that portion of your communication wherein I am charged with insubordination. I think it will be plain to the reader of my letter of

*See pp. 3801–3808.

the 30th of January* that I did not propose to disobey any legal order of the President distinctly given, but only gave an interpretation of what would be regarded as satisfactory evidence of the President's sanction to orders communicated by the Secretary of War. I will say here that your letter of the 10th instant† contains the first intimation I have had that you did not accept that interpretation.

Now for reasons for giving that interpretation. It was clear to me before my letter of January 30* was written that I, the person having more public business to transact with the Secretary of War than any other of the President's subordinates, was the only one who had been instructed to disregard the authority of Mr. Stanton where his authority was derived as agent of the President.

On the 27th of January I received a letter from the Secretary of War (copy herewith) directing me to furnish escort to public treasure from the Rio Grande to New Orleans, etc., at the request of the Secretary of the Treasury to him. I also send two other inclosures, showing recognition of Mr. Stanton as Secretary of War by both the Secretary of the Treasury and the Postmaster-General, in all of which cases the Secretary of War had to call upon me to make the orders requested or give the information desired, and where his authority to do so is derived, in my view, as agent of the President.

With an order so clearly ambiguous as that of the President here referred to, it was my duty to inform the President of my interpretation of it and to abide by that interpretation until I received other orders.

Disclaiming any intention, now or heretofore, of disobeying any legal order of the President distinctly communicated,

I remain, very respectfully, your obedient servant,

U. S. GRANT, *General.*

WAR DEPARTMENT,
Washington City, January 27, 1868.

General U. S. GRANT,
Commanding Army United States.

GENERAL: The Secretary of the Treasury has requested this Department to afford A. F. Randall, special agent of the Treasury Department, such military aid as may be necessary to secure and forward for deposit from Brownsville, Tex., to New Orleans public moneys in possession of custom-house officers at Brownsville, and which are deemed insecure at that place.

You will please give such directions as you may deem proper to the officer commanding at Brownsville to carry into effect the request of the Treasury Department, the instructions to be sent by telegraph to Galveston, to the care of A. F. Randall, special agent, who is at Galveston waiting telegraphic orders, there being no telegraphic communication with Brownsville, and the necessity for military protection to the public moneys represented as urgent.

Please favor me with a copy of such instructions as you may give, in order that they may be communicated to the Secretary of the Treasury.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

POST-OFFICE DEPARTMENT, CONTRACT OFFICE,
Washington, February 3, 1868.

The Honorable the SECRETARY OF WAR.

SIR: It has been represented to this Department that in October last a military commission was appointed to settle upon some general plan of defense for the Texas frontiers, and that the said commission has made a report recommending a line of posts from the Rio Grande to the Red River.

*See p. 3813. †See pp. 3801–3803.

An application is now pending in this Department for a change in the course of the San Antonio and El Paso mail, so as to send it by way of Forts Mason, Griffin, and Stockton instead of Camps Hudson and Lancaster. This application requires immediate decision, but before final action can be had thereon it is desired to have some official information as to the report of the commission above referred to.

Accordingly, I have the honor to request that you will cause this Department to be furnished as early as possible with the information desired in the premises, and also with a copy of the report, if any has been made by the commission. Very respectfully, etc.,

GEORGE. W. McLELLAN,
Second Assistant Postmaster-General.

FEBRUARY 3, 1868.

Referred to the General of the Army for report.

EDWIN M. STANTON,
Secretary of War.

TREASURY DEPARTMENT, *January 29, 1868.*

The Honorable SECRETARY OF WAR.

SIR: It is represented to this Department that a band of robbers has obtained such a foothold in the section of country between Humboldt and Lawrence, Kans., committing depredations upon travelers, both by public and private conveyance, that the safety of the public money collected by the receiver of the land office at Humboldt requires that it should be guarded during its transit from Humboldt to Lawrence. I have therefore the honor to request that the proper commanding officer of the district may be instructed by the War Department, if in the opinion of the honorable Secretary of War it can be done without prejudice to the public interests, to furnish a sufficient military guard to protect such moneys as may be *in transitu* from the above office for the purpose of being deposited to the credit of the Treasurer of the United States. As far as we are now advised, such service will not be necessary oftener than once a month. Will you please advise me of the action taken, that I may instruct the receiver and the Commissioner of the General Land Office in the matter?

Very respectfully, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Respectfully referred to the General of the Army to give the necessary orders in this case and to furnish this Department a copy for the information of the Secretary of the Treasury.

By order of the Secretary of War:

ED. SCHRIVER,
Inspector-General.

[The following are inserted because they have direct bearing on the two messages from the President of February 11, 1868, and their inclosures.]

WAR DEPARTMENT,
Washington City, February 4, 1868.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

SIR: In answer to the resolution of the House of Representatives of the 3d instant, I transmit herewith copies furnished me by General Grant of correspondence between him and the President relating to the Secretary of War, and which he reports to be all the correspondence he has had with the President on the subject.

I have had no correspondence with the President since the 12th of August last.

After the action of the Senate on his alleged reason for my suspension from the office of Secretary of War, I resumed the duties of that office, as required by the act of Congress, and have continued to discharge them without any personal or written communication with the President. No orders have been issued from this Department in the name of the President with my knowledge, and I have received no orders from him.

The correspondence sent herewith embraces all the correspondence known to me on the subject referred to in the resolution of the House of Representatives.

I have the honor to be, sir, with great respect, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, January 24, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor very respectfully to request to have in writing the order which the President gave me verbally on Sunday, the 19th instant, to disregard the orders of the Hon. E. M. Stanton as Secretary of War until I knew from the President himself that they were his orders.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 28, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: On the 24th instant I requested you to give me in writing the instructions which you had previously given me verbally not to obey any order from Hon. E. M. Stanton, Secretary of War, unless I knew that it came from yourself. To this written request I received a message that has left doubt in my mind of your intentions. To prevent any possible misunderstanding, therefore, I renew the request that you will give me written instructions, and till they are received will suspend action on your verbal ones.

I am compelled to ask these instructions in writing in consequence of the many and gross misrepresentations affecting my personal honor circulated through the press for the last fortnight, purporting to come from the President, of conversations which occurred either with the President privately in his office or in Cabinet meeting. What is written admits of no misunderstanding.

In view of the misrepresentations referred to, it will be well to state the facts in the case.

Some time after I assumed the duties of Secretary of War *ad interim* the President asked me my views as to the course Mr. Stanton would have to pursue, in case the Senate should not concur in his suspension, to obtain possession of his office. My reply was, in substance, that Mr. Stanton would have to appeal to the courts to reinstate him, illustrating my position by citing the ground I had taken in the case of the Baltimore police commissioners.

In that case I did not doubt the technical right of Governor Swann to remove the old commissioners and to appoint their successors. As the old commissioners refused to give up, however, I contended that no resource was left but to appeal to the courts.

Finding that the President was desirous of keeping Mr. Stanton out of office,

whether sustained in the suspension or not, I stated that I had not looked particularly into the tenure-of-office bill, but that what I had stated was a general principle, and if I should change my mind in this particular case I would inform him of the fact.

Subsequently, on reading the tenure-of-office bill closely, I found that I could not, without violation of the law, refuse to vacate the office of Secretary of War the moment Mr. Stanton was reinstated by the Senate, even though the President should order me to retain it, which he never did.

Taking this view of the subject, and learning on Saturday, the 11th instant, that the Senate had taken up the subject of Mr. Stanton's suspension, after some conversation with Lieutenant-General Sherman and some members of my staff, in which I stated that the law left me no discretion as to my action should Mr. Stanton be reinstated, and that I intended to inform the President, I went to the President for the sole purpose of making this decision known, and did so make it known.

In doing this I fulfilled the promise made in our last preceding conversation on the subject.

The President, however, instead of accepting my view of the requirements of the tenure-of-office bill, contended that he had suspended Mr. Stanton under the authority given by the Constitution, and that the same authority did not preclude him from reporting, as an act of courtesy, his reasons for the suspension to the Senate; that, having appointed me under the authority given by the Constitution, and not under any act of Congress, I could not be governed by the act. I stated that the law was binding on me, constitutional or not, until set aside by the proper tribunal. An hour or more was consumed, each reiterating his views on this subject, until, getting late, the President said he would see me again.

I did not agree to call again on Monday, nor at any other definite time, nor was I sent for by the President until the following Tuesday.

From the 11th to the Cabinet meeting on the 14th instant a doubt never entered my mind about the President's fully understanding my position, namely, that if the Senate refused to concur in the suspension of Mr. Stanton my powers as Secretary of War *ad interim* would cease and Mr. Stanton's right to resume at once the functions of his office would under the law be indisputable, and I acted accordingly. With Mr. Stanton I had no communication, direct nor indirect, on the subject of his reinstatement during his suspension.

I knew it had been recommended to the President to send in the name of Governor Cox, of Ohio, for Secretary of War, and thus save all embarrassment—a proposition that I sincerely hoped he would entertain favorably; General Sherman seeing the President at my particular request to urge this on the 13th instant.

On Tuesday (the day Mr. Stanton reentered the office of the Secretary of War) General Comstock, who had carried my official letter announcing that with Mr. Stanton's reinstatement by the Senate I had ceased to be Secretary of War *ad interim*, and who saw the President open and read the communication, brought back to me from the President a message that he wanted to see me that day at the Cabinet meeting, after I had made known the fact that I was no longer Secretary of War *ad interim*.

At this meeting, after opening it as though I were a member of the Cabinet, when reminded of the notification already given him that I was no longer Secretary of War *ad interim*, the President gave a version of the conversations alluded to already. In this statement it was asserted that in both conversations I had agreed to hold on to the office of Secretary of War until displaced by the courts, or resign, so as to place the President where he would have been had I never accepted the office. After hearing the President through, I stated our conversations substantially as given in this letter. I will add that my conversation before the Cabinet embraced other matter not pertinent here, and is therefore left out.

I in no wise admitted the correctness of the President's statement of our conversations, though, to soften the evident contradiction my statement gave, I said (alluding to our first conversation on the subject) the President might have understood me the way he said, namely, that I had promised to resign if I did not resist the reinstatement. I made no such promise.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

HEADQUARTERS ARMY OF THE UNITED STATES,
January 30, 1868.

Respectfully forwarded to the Secretary of War for his information.

U. S. GRANT, *General.*

[Indorsement of the President on General Grant's note of January 24, 1868.*]

JANUARY 29, 1868.

As requested in this communication, General Grant is instructed in writing not to obey any order from the War Department assumed to be issued by the direction of the President unless such order is known by the General Commanding the armies of the United States to have been authorized by the Executive.

ANDREW JOHNSON.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, January 30, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the return of my note of the 24th instant,* with your indorsement thereon, that I am not to obey any order from the War Department assumed to be issued by the direction of the President unless such order is known by me to have been authorized by the Executive, and in reply thereto to say that I am informed by the Secretary of War that he has not received from the Executive any order or instructions limiting or impairing his authority to issue orders to the Army, as has heretofore been his practice under the law and the customs of the Department. While this authority to the War Department is not countermanded it will be satisfactory evidence to me that any orders issued from the War Department by direction of the President are authorized by the Executive.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

HEADQUARTERS ARMY UNITED STATES,
January 30, 1868.

Respectfully forwarded to the Secretary of War for his information.

U. S. GRANT, *General.*

The President to General Grant.

EXECUTIVE MANSION, *January 31, 1868.*

General U. S. GRANT,
Commanding United States Armies.

GENERAL: I have received your communication of the 28th instant,† renewing your request of the 24th,* that I should repeat in a written form my verbal instructions of

*See p. 3811. †See pp. 3811–3813.

the 19th instant, viz, that you obey no order from the Hon. Edwin M. Stanton as Secretary of War unless you have information that it was issued by the President's directions.

In submitting this request (with which I complied on the 29th instant*) you take occasion to allude to recent publications in reference to the circumstances connected with the vacation by yourself of the office of Secretary of War *ad interim*, and with the view of correcting statements which you term "gross misrepresentations" give at length your own recollection of the facts under which, without the sanction of the President, from whom you had received and accepted the appointment, you yielded the Department of War to the present incumbent.

As stated in your communication, some time after you had assumed the duties of Secretary of War *ad interim* we interchanged views respecting the course that should be pursued in the event of nonconcurrence by the Senate in the suspension from office of Mr. Stanton. I sought that interview, calling myself at the War Department. My sole object in then bringing the subject to your attention was to ascertain definitely what would be your own action should such an attempt be made for his restoration to the War Department. That object was accomplished, for the interview terminated with the distinct understanding that if upon reflection you should prefer not to become a party to the controversy or should conclude that it would be your duty to surrender the Department to Mr. Stanton upon action in his favor by the Senate you were to return the office to me prior to a decision by the Senate, in order that if I desired to do so I might designate someone to succeed you. It must have been apparent to you that had not this understanding been reached it was my purpose to relieve you from the further discharge of the duties of Secretary of War *ad interim* and to appoint some other person in that capacity.

Other conversations upon this subject ensued, all of them having on my part the same object and leading to the same conclusion as the first. It is not necessary, however, to refer to any of them excepting that of Saturday, the 11th instant, mentioned in your communication. As it was then known that the Senate had proceeded to consider the case of Mr. Stanton, I was anxious to learn your determination. After a protracted interview, during which the provisions of the tenure-of-office bill were freely discussed, you said that, as had been agreed upon in our first conference, you would either return the office to my possession in time to enable me to appoint a successor before final action by the Senate upon Mr. Stanton's suspension, or would remain as its head, awaiting a decision of the question by judicial proceedings. It was then understood that there would be a further conference on Monday, by which time I supposed you would be prepared to inform me of your final decision. You failed, however, to fulfill the engagement, and on Tuesday notified me in writing of the receipt by you of official notification of the action of the Senate in the case of Mr. Stanton, and at the same time informed me that according to the act regulating the tenure of certain civil offices your functions as Secretary of War *ad interim* ceased from the moment of the receipt of the notice. You thus, in disregard of the understanding between us, vacated the office without having given me notice of your intention to do so. It is but just, however, to say that in your communication you claim that you did inform me of your purpose, and thus "fulfilled the promise made in our last preceding conversation on this subject." The fact that such a promise existed is evidence of an arrangement of the kind I have mentioned. You had found in our first conference "that the President was desirous of keeping Mr. Stanton out of office whether sustained in the suspension or not." You knew what reasons had induced the President to ask from you a promise; you also knew that in case your views of duty did not accord with his own convictions it was his purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding between us, these conclusions were plainly deducible from our various conversations. It is certain, however, that even under these circumstances you did not offer

* See p. 3813.

to return the place to my possession, but, according to your own statement, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you, as I was compelled to ask of your predecessor in the War Department, a letter of resignation, or else to resort to the more disagreeable expedient of suspending you by a successor.

As stated in your letter, the nomination of Governor Cox, of Ohio, for the office of Secretary of War was suggested to me. His appointment as Mr. Stanton's successor was urged in your name, and it was said that his selection would save further embarrassment. I did not think that in the selection of a Cabinet officer I should be trammeled by such considerations. I was prepared to take the responsibility of deciding the question in accordance with my ideas of constitutional duty, and, having determined upon a course which I deemed right and proper, was anxious to learn the steps you would take should the possession of the War Department be demanded by Mr. Stanton. Had your action been in conformity to the understanding between us, I do not believe that the embarrassment would have attained its present proportions or that the probability of its repetition would have been so great.

I know that, with a view to an early termination of a state of affairs so detrimental to the public interests, you voluntarily offered, both on Wednesday, the 15th instant, and on the succeeding Sunday, to call upon Mr. Stanton and urge upon him that the good of the service required his resignation. I confess that I considered your proposal as a sort of reparation for the failure on your part to act in accordance with an understanding more than once repeated, which I thought had received your full assent, and under which you could have returned to me the office which I had conferred upon you, thus saving yourself from embarrassment and leaving the responsibility where it properly belonged—with the President, who is accountable for the faithful execution of the laws.

I have not yet been informed by you whether, as twice proposed by yourself, you have called upon Mr. Stanton and made an effort to induce him voluntarily to retire from the War Department.

You conclude your communication with a reference to our conversation at the meeting of the Cabinet held on Tuesday, the 14th instant. In your account of what then occurred you say that after the President had given his version of our previous conversations you stated them substantially as given in your letter; that you in no wise admitted the correctness of his statement of them, "though, to soften the evident contradiction my statement gave, I said (alluding to our first conversation on the subject) the President might have understood me the way he said, namely, that I had promised to resign if I did not resist the reinstatement. I made no such promise."

My recollection of what then transpired is diametrically the reverse of your narration. In the presence of the Cabinet I asked you—

First. If, in a conversation which took place shortly after your appointment as Secretary of War *ad interim*, you did not agree either to remain at the head of the War Department and abide any judicial proceedings that might follow nonconcurrence by the Senate in Mr. Stanton's suspension, or, should you wish not to become involved in such a controversy, to put me in the same position with respect to the office as I occupied previous to your appointment, by returning it to me in time to anticipate such action by the Senate. This you admitted.

Second. I then asked you if, at our conference on the preceding Saturday, I had not, to avoid misunderstanding, requested you to state what you intended to do, and, further, if in reply to that inquiry you had not referred to our former conversations, saying that from them I understood your position, and that your action would be consistent with the understanding which had been reached. To these questions you also replied in the affirmative.

Third. I next asked if at the conclusion of our interview on Saturday it was not understood that we were to have another conference on Monday before final action

by the Senate in the case of Mr. Stanton. You replied that such was the understanding, but that you did not suppose the Senate would act so soon; that on Monday you had been engaged in a conference with General Sherman and were occupied with "many little matters," and asked if General Sherman had not called on that day. What relevancy General Sherman's visit to me on Monday had with the purpose for which you were then to have called I am at a loss to perceive, as he certainly did not inform me whether you had determined to retain possession of the office or to afford me an opportunity to appoint a successor in advance of any attempted reinstatement of Mr. Stanton.

This account of what passed between us at the Cabinet meeting on the 14th instant widely differs from that contained in your communication, for it shows that instead of having "stated our conversations as given in the letter" which has made this reply necessary you admitted that my recital of them was entirely accurate. Sincerely anxious, however, to be correct in my statements, I have to-day read this narration of what occurred on the 14th instant to the members of the Cabinet who were then present. They, without exception, agree in its accuracy.

It is only necessary to add that on Wednesday morning, the 15th instant, you called on me, in company with Lieutenant-General Sherman. After some preliminary conversation, you remarked that an article in the National Intelligencer of that date did you much injustice. I replied that I had not read the Intelligencer of that morning. You then first told me that it was your intention to urge Mr. Stanton to resign his office.

After you had withdrawn I carefully read the article of which you had spoken, and found that its statements of the understanding between us were substantially correct. On the 17th I caused it to be read to four of the five members of the Cabinet who were present at our conference on the 14th, and they concurred in the general accuracy of its statements respecting our conversation upon that occasion.

In reply to your communication, I have deemed it proper, in order to prevent further misunderstanding, to make this simple recital of facts.

Very respectfully, yours,

ANDREW JOHNSON.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 3, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the receipt of your communication of the 31st ultimo,* in answer to mine of the 28th ultimo.† After a careful reading and comparison of it with the article in the National Intelligencer of the 15th ultimo and the article over the initials J. B. S. in the New York World of the 27th ultimo, purporting to be based upon your statement and that of the members of your Cabinet therein named, I find it to be but a reiteration, only somewhat more in detail, of the "many and gross misrepresentations" contained in these articles, and which my statement of the facts set forth in my letter of the 28th ultimo† was intended to correct; and I here reassert the correctness of my statements in that letter, anything in yours in reply to it to the contrary notwithstanding.

I confess my surprise that the Cabinet officers referred to should so greatly misapprehend the facts in the matter of admissions alleged to have been made by me at the Cabinet meeting of the 14th ultimo as to suffer their names to be made the

*See pp. 3813-3816. †See pp. 3811-3813.

basis of the charges in the newspaper article referred to, or agree in the accuracy, as you affirm they do, of your account of what occurred at that meeting.

You know that we parted on Saturday, the 11th ultimo, without any promise on my part, either express or implied, to the effect that I would hold on to the office of Secretary of War *ad interim* against the action of the Senate, or, declining to do so myself, would surrender it to you before such action was had, or that I would see you again at any fixed time on the subject.

The performance of the promises alleged by you to have been made by me would have involved a resistance to law and an inconsistency with the whole history of my connection with the suspension of Mr. Stanton.

From our conversations and my written protest of August 1, 1867, against the removal of Mr. Stanton, you must have known that my greatest objection to his removal or suspension was the fear that someone would be appointed in his stead who would, by opposition to the laws relating to the restoration of the Southern States to their proper relations to the Government, embarrass the Army in the performance of duties especially imposed upon it by these laws; and it was to prevent such an appointment that I accepted the office of Secretary of War *ad interim*, and not for the purpose of enabling you to get rid of Mr. Stanton by my withholding it from him in opposition to law, or, not doing so myself, surrendering it to one who would, as the statement and assumptions in your communication plainly indicate was sought. And it was to avoid this same danger, as well as to relieve you from the personal embarrassment in which Mr. Stanton's reinstatement would place you, that I urged the appointment of Governor Cox, believing that it would be agreeable to you and also to Mr. Stanton, satisfied as I was that it was the good of the country, and not the office, the latter desired.

On the 15th ultimo, in presence of General Sherman, I stated to you that I thought Mr. Stanton would resign, but did not say that I would advise him to do so. On the 18th I did agree with General Sherman to go and advise him to that course, and on the 19th I had an interview alone with Mr. Stanton, which led me to the conclusion that any advice to him of the kind would be useless, and I so informed General Sherman.

Before I consented to advise Mr. Stanton to resign, I understood from him, in a conversation on the subject immediately after his reinstatement, that it was his opinion that the act of Congress entitled "An act temporarily to supply vacancies in the Executive Departments in certain cases," approved February 20, 1863, was repealed by subsequent legislation, which materially influenced my action. Previous to this time I had had no doubt that the law of 1863 was still in force, and, notwithstanding my action, a fuller examination of the law leaves a question in my mind whether it is or is not repealed. This being the case, I could not now advise his resignation, lest the same danger I apprehended on his first removal might follow.

The course you would have it understood I agreed to pursue was in violation of law and without orders from you, while the course I did pursue, and which I never doubted you fully understood, was in accordance with law and not in disobedience of any orders of my superior.

And now, Mr. President, when my honor as a soldier and integrity as a man have been so violently assailed, pardon me for saying that I can but regard this whole matter, from the beginning to the end, as an attempt to involve me in the resistance of law, for which you hesitated to assume the responsibility in orders, and thus to destroy my character before the country. I am in a measure confirmed in this conclusion by your recent orders directing me to disobey orders from the Secretary of War, my superior and your subordinate, without having countermanded his authority to issue the orders I am to disobey.

With the assurance, Mr. President, that nothing less than a vindication of my personal honor and character could have induced this correspondence on my part,

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

Respectfully forwarded to the Secretary of War for his information, and to be made a part of correspondence previously furnished on same subject.

U. S. GRANT, *General.*

WASHINGTON, *February 17, 1868.*

To the House of Representatives of the United States:

In reply to the resolution adopted by the House of Representatives on the 19th of December last, calling for correspondence and information in relation to Russian America, I transmit reports and accompanying documents from the Secretary of State and the Secretary of the Treasury, respectively.

ANDREW JOHNSON.

WASHINGTON, *February 18, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 17th of January last, calling for information in regard to the execution of the treaty of 1858 with China, for the settlement of claims, I transmit a report of the Secretary of State and the papers which accompany it.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 19, 1868.*

To the House of Representatives:

I transmit herewith a report from the Attorney-General, prepared in compliance with the resolution of the House of Representatives of the 26th November, 1867, requesting a list of all pardons "granted since the 14th day of April, 1865, to any person or persons charged with or convicted of making or passing counterfeit money, or having counterfeit money or tools or instruments for making the same in his or their possession, or charged with or convicted of the crime of forgery or criminal alteration of papers, accounts, or other documents, or of the crime of perjury, and that such list be accompanied by a particular statement in each case of the reasons or grounds of the pardon, with a disclosure of the names of persons, if any, who recommended or advised the same."

ANDREW JOHNSON.

WASHINGTON, D. C., *February 19, 1868.*

To the Senate of the United States:

I transmit herewith a report from the Attorney-General, prepared in compliance with a resolution adopted by the Senate on the 2d day of December last, requesting "a full list of the names of all persons par-

doned by the President since May 1, 1865, who have been convicted of counterfeiting United States bonds, greenbacks, national-bank currency, fractional currency, or the coin of the United States, with the date of issuing each pardon, reasons for issuing it, and by whom recommended."

ANDREW JOHNSON.

WASHINGTON, *February 20, 1868.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 18th of December last, requesting information in regard to the island of San Juan, on Puget Sound, I transmit a report from the Secretary of State and the papers which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *February 20, 1868.*

To the Senate of the United States:

With reference to the convention between Denmark and the United States concluded on the 24th of October last, I transmit to the Senate a copy in translation of a note of the 19th instant addressed to the Secretary of State by His Danish Majesty's chargé d'affaires, announcing the ratification of the convention by the Government of Denmark and stating his readiness to proceed with the customary exchange of ratifications.

ANDREW JOHNSON.

WASHINGTON, *February 21, 1868.*

To the House of Representatives of the United States:

I transmit herewith a communication from the Chief of the Engineer Corps of the Army, accompanied by a report, in reference to ship canals around the Falls of the Ohio River, called for by the resolution of the House of Representatives of the 18th instant.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 21, 1868.*

To the Senate of the United States:

On the 12th day of August, 1867, by virtue of the power and authority vested in the President by the Constitution and laws of the United States, I suspended Edwin M. Stanton from the office of Secretary of War.

In further exercise of the power and authority so vested in the President, I have this day removed Mr. Stanton from office and designated the Adjutant-General of the Army to act as Secretary of War *ad interim.*

Copies of the communications upon this subject addressed to Mr. Stanton and the Adjutant-General are herewith transmitted for the information of the Senate.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 22, 1868.*

To the Senate of the United States:

I have received a copy of the resolution adopted by the Senate on the 21st instant, as follows:

> Whereas the Senate have received and considered the communication of the President stating that he had removed Edwin M. Stanton, Secretary of War, and had designated the Adjutant-General of the Army to act as Secretary of War *ad interim:* Therefore,
>
> *Resolved by the Senate of the United States*, That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim.*

This resolution is confined to the power of the President to remove the Secretary of War and to designate another officer to perform the duties of the office *ad interim*, and by its preamble is made expressly applicable to the removal of Mr. Stanton and the designation to act *ad interim* of the Adjutant-General of the Army. Without, therefore, attempting to discuss the general power of removal as to all officers, upon which subject no expression of opinion is contained in the resolution, I shall confine myself to the question as thus limited—the power to remove the Secretary of War.

It is declared in the resolution—

> That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim.*

As to the question of power under the Constitution, I do not propose at present to enter upon its discussion.

The uniform practice from the beginning of the Government, as established by every President who has exercised the office, and the decisions of the Supreme Court of the United States have settled the question in favor of the power of the President to remove all officers excepting a class holding appointments of a judicial character. No practice nor any decision has ever excepted a Secretary of War from this general power of the President to make removals from office.

It is only necessary, then, that I should refer to the power of the Executive, under the laws of the United States, to remove from office a Secretary of War. The resolution denies that under these laws this power has any existence. In other words, it affirms that no such authority is recognized or given by the statutes of the country.

What, then, are the laws of the United States which deny the President the power to remove that officer? I know but two laws which bear upon this question. The first in order of time is the act of August 7, 1789, creating the Department of War, which, after providing for a Secretary as its principal officer, proceeds as follows:

> SEC. 2. *And be it further enacted*, That there shall be in the said Department an inferior officer, to be appointed by the said principal officer, to be employed therein

as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books, and papers appertaining to the said Department.

It is clear that this act, passed by a Congress many of whose members participated in the formation of the Constitution, so far from denying the power of the President to remove the Secretary of War, recognizes it as existing in the Executive alone, without the concurrence of the Senate or of any other department of the Government. Furthermore, this act does not purport to confer the power by legislative authority, nor in fact was there any other existing legislation through which it was bestowed upon the Executive. The recognition of the power by this act is therefore complete as a recognition under the Constitution itself, for there was no other source or authority from which it could be derived.

The other act which refers to this question is that regulating the tenure of certain civil offices, passed by Congress on the 2d day of March, 1867. The first section of that act is in the following words:

That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

The fourth section of the same act restricts the term of offices to the limit prescribed by the law creating them.

That part of the first section which precedes the proviso declares that every person holding a civil office to which he has been or may be appointed by and with the advice and consent of the Senate shall hold such office until a successor shall have been in like manner appointed. It purports to take from the Executive, during the fixed time established for the tenure of the office, the independent power of removal, and to require for such removal the concurrent action of the President and the Senate.

The proviso that follows proceeds to fix the term of office of the seven heads of Departments, whose tenure never had been defined before, by prescribing that they "shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

Thus, as to these enumerated officers, the proviso takes from the President the power of removal except with the advice and consent of the Senate. By its terms, however, before he can be deprived of the power to

displace them it must appear that he himself has appointed them. It is only in that case that they have any tenure of office or any independent right to hold during the term of the President and for one month after the cessation of his official functions. The proviso, therefore, gives no tenure of office to any one of these officers who has been appointed by a former President beyond one month after the accession of his successor.

In the case of Mr. Stanton, the only appointment under which he held the office of Secretary of War was that conferred upon him by my immediate predecessor, with the advice and consent of the Senate. He has never held from me any appointment as the head of the War Department. Whatever right he had to hold the office was derived from that original appointment and my own sufferance. The law was not intended to protect such an incumbent of the War Department by taking from the President the power to remove him. This, in my judgment, is perfectly clear, and the law itself admits of no other just construction. We find in all that portion of the first section which precedes the proviso that as to civil officers generally the President is deprived of the power of removal, and it is plain that if there had been no proviso that power would just as clearly have been taken from him so far as it applies to the seven heads of Departments. But for reasons which were no doubt satisfactory to Congress these principal officers were specially provided for, and as to them the express and only requirement is that the President who has appointed them shall not without the advice and consent of the Senate remove them from office. The consequence is that as to my Cabinet, embracing the seven officers designated in the first section, the act takes from me the power, without the concurrence of the Senate, to remove any one of them that I have appointed, but it does not protect such of them as I did not appoint, nor give to them any tenure of office beyond my pleasure.

An examination of this act, then, shows that while in one part of the section provision is made for officers generally, in another clause there is a class of officers, designated by their official titles, who are excepted from the general terms of the law, and in reference to whom a clear distinction is made as to the general power of removal limited in the first clause of the section.

This distinction is that as to such of these enumerated officers as hold under the appointment of the President the power of removal can only be exercised by him with the consent of the Senate, while as to those who have not been appointed by him there is no like denial of his power to displace them. It would be a violation of the plain meaning of this enactment to place Mr. Stanton upon the same footing as those heads of Departments who have been appointed by myself. As to him, this law gives him no tenure of office. The members of my Cabinet who have been appointed by me are by this act entitled to hold for one month after the term of my office shall cease; but Mr. Stanton could not, against the wishes of my successor, hold a moment thereafter. If he were permitted

by that successor to hold for the first two weeks, would that successor have no power to remove him? But the power of my successor over him could be no greater than my own. If my successor would have the power to remove Mr. Stanton after permitting him to remain a period of two weeks, because he was not appointed by him, but by his predecessor, I, who have tolerated Mr. Stanton for more than two years, certainly have the same right to remove him, and upon the same ground, namely, that he was not appointed by me, but by my predecessor.

Under this construction of the tenure-of-office act, I have never doubted my power to remove Mr. Stanton.

Whether the act were constitutional or not, it was always my opinion that it did not secure h'm from removal. I was, however, aware that there were doubts as to he construction of the law, and from the first I deemed it desirable that at the earliest possible moment those doubts should be settled and the true construction of the act fixed by decision of the Supreme Court of the United States. My order of suspension in August last was intended to place the case in such a position as would make a resort to a judicial decision both necessary and proper. My understanding and wishes, however, under that order of suspension were frustrated, and the late order for Mr. Stanton's removal was a further step toward the accomplishment of that purpose.

I repeat that my own convictions as to the true construction of the law and as to its constitutionality were well settled and were sustained by every member of my Cabinet, including Mr. Stanton himself. Upon the question of constitutionality, each one in turn deliberately advised me that the tenure-of-office act was unconstitutional. Upon the question whether, as to those members who were appointed by my predecessor, that act took from me the power to remove them, one of those members emphatically stated in the presence of the others sitting in Cabinet that they did not come within the provisions of the act, and it was no protection to them. No one dissented from this construction, and I understood them all to acquiesce in its correctness. In a matter of such grave consequence I was not disposed to rest upon my own opinions, though fortified by my constitutional advisers. I have therefore sought to bring the question at as early a day as possible before the Supreme Court of the United States for final and authoritative decision.

In respect to so much of the resolution as relates to the designation of an officer to act as Secretary of War *ad interim*, I have only to say that I have exercised this power under the provisions of the first section of the act of February 13, 1795, which, so far as they are applicable to vacancies caused by removals, I understand to be still in force.

The legislation upon the subject of *ad interim* appointments in the Executive Departments stands, as to the War Office, as follows:

The second section of the act of the 7th of August, 1789, makes provision for a vacancy in the very case of a removal of the head of the War

Department, and upon such a vacancy gives the charge and custody of the records, books, and papers to the chief clerk. Next, by the act of the 8th of May, 1792, section 8, it is provided that in case of a vacancy occasioned by death, absence from the seat of Government, or sickness of the head of the War Department the President may authorize a person to perform the duties of the office until a successor is appointed or the disability removed. The act, it will be observed, does not provide for the case of a vacancy caused by removal. Then, by the first section of the act of February 13, 1795, it is provided that in case of any vacancy the President may appoint a person to perform the duties while the vacancy exists.

These acts are followed by that of the 20th of February, 1863, by the first section of which provision is again made for a vacancy caused by death, resignation, absence from the seat of Government, or sickness of the head of any Executive Department of the Government, and upon the occurrence of such a vacancy power is given to the President—

> to authorize the head of any other Executive Department, or other officer in either of said Departments whose appointment is vested in the President, at his discretion, to perform the duties of the said respective offices until a successor be appointed or until such absence or inability by sickness shall cease: *Provided*, That no one vacancy shall be supplied in manner aforesaid for a longer term than six months.

This law, with some modifications, reenacts the act of 1792, and provides, as did that act, for the sort of vacancies so to be filled; but, like the act of 1792, it makes no provision for a vacancy occasioned by removal. It has reference altogether to vacancies arising from other causes.

According to my construction of the act of 1863, while it impliedly repeals the act of 1792 regulating the vacancies therein described, it has no bearing whatever upon so much of the act of 1795 as applies to a vacancy caused by removal. The act of 1795 therefore furnishes the rule for a vacancy occasioned by removal—one of the vacancies expressly referred to in the act of the 7th of August, 1789, creating the Department of War. Certainly there is no express repeal by the act of 1863 of the act of 1795. The repeal, if there is any, is by implication, and can only be admitted so far as there is a clear inconsistency between the two acts. The act of 1795 is inconsistent with that of 1863 as to a vacancy occasioned by death, resignation, absence, or sickness, but not at all inconsistent as to a vacancy caused by removal.

It is assuredly proper that the President should have the same power to fill temporarily a vacancy occasioned by removal as he has to supply a place made vacant by death or the expiration of a term. If, for instance, the incumbent of an office should be found to be wholly unfit to exercise its functions, and the public service should require his immediate expulsion, a remedy should exist and be at once applied, and time be allowed the President to select and appoint a successor, as is permitted him in case of a vacancy caused by death or the termination of an official term.

The necessity, therefore, for an *ad interim* appointment is just as great, and, indeed, may be greater in cases of removal than in any others. Before it be held, therefore, that the power given by the act of 1795 in cases of removal is abrogated by succeeding legislation an express repeal ought to appear. So wholesome a power should certainly not be taken away by loose implication.

It may be, however, that in this, as in other cases of implied repeal, doubts may arise. It is confessedly one of the most subtle and debatable questions which arise in the construction of statutes. If upon such a question I have fallen into an erroneous construction, I submit whether it should be characterized as a violation of official duty and of law.

I have deemed it proper, in vindication of the course which I have considered it my duty to take, to place before the Senate the reasons upon which I have based my action. Although I have been advised by every member of my Cabinet that the entire tenure-of-office act is unconstitutional, and therefore void, and although I have expressly concurred in that opinion in the veto message which I had the honor to submit to Congress when I returned the bill for reconsideration, I have refrained from making a removal of any officer contrary to the provisions of the law, and have only exercised that power in the case of Mr. Stanton, which, in my judgment, did not come within its provisions. I have endeavored to proceed with the greatest circumspection, and have acted only in an extreme and exceptional case, carefully following the course which I have marked out for myself as a general rule, faithfully to execute all laws, though passed over my objections on the score of constitutionality. In the present instance I have appealed, or sought to appeal, to that final arbiter fixed by the Constitution for the determination of all such questions. To this course I have been impelled by the solemn obligations which rest upon me to sustain inviolate the powers of the high office committed to my hands.

Whatever may be the consequences merely personal to myself, I could not allow them to prevail against a public duty so clear to my own mind, and so imperative. If what was possible had been certain, if I had been fully advised when I removed Mr. Stanton that in thus defending the trust committed to my hands my own removal was sure to follow, I could not have hesitated. Actuated by public considerations of the highest character, I earnestly protest against the resolution of the Senate which charges me in what I have done with a violation of the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, *February 25, 1868.*

To the Senate of the United States:

In further answer of the resolution of the Senate of the 13th of January last, relative to the appointment of the Hon. Anson Burlingame to a

diplomatic or other mission by the Emperor of China, I transmit a report from the Secretary of State and the communication which accompanied it.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 26, 1868.*

To the Senate of the United States:

I transmit herewith a report from the General Commanding the Army of the United States, prepared in compliance with the resolution of the Senate of the 4th instant, requesting copies of all instructions relating to the Third Military District issued to General Pope and General Meade.

ANDREW JOHNSON.

WASHINGTON, *March 4, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 17th February ultimo, concerning the alleged interference of the United States consul at Rome in the late difficulty in Italy, I transmit a report from the Secretary of State, containing the information called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the Senate of the United States:

I transmit a report of this date from the Secretary of State, and the accompanying papers, in regard to the revolution in the Dominican Republic.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st of February last, in relation to the abduction of one Allan Macdonald from Canada, I transmit a communication from the Secretary of State, accompanied by the papers relating to that subject.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 7th of January last, in relation to the claim of the late Benjamin W. Perkins against the Russian Government, I transmit a communication from the Secretary of State, which is accompanied by the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1868.*

To the Senate of the United States:

I transmit to the Senate the accompanying report * of the Secretary of State, in answer to their resolution of the 13th January.

ANDREW JOHNSON.

WASHINGTON, *March 10, 1868.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a treaty between the United States and His Majesty the King of Prussia, in the name of the North German Confederation, for the purpose of regulating the citizenship of those persons who emigrate from the Confederation to this country and from the United States to the North German Confederation.

ANDREW JOHNSON.

WASHINGTON, *March 11, 1868.*

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the last two years, I transmit a continuation of the report from the Secretary of State upon the subject.

ANDREW JOHNSON.

WASHINGTON, *March 14, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th of January last, in relation to the arrest and trial of the Rev. John McMahon, Robert B. Lynch, and John Warren by the Government of Great Britain, and requesting to be informed what action has been taken by this Government in maintaining the rights of American citizens abroad, I transmit a report of the Secretary of State, which is accompanied by a copy of the papers called for by that resolution.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 18, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made on the 2d day of March, 1868, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs; Alexander C. Hunt, governor and *ex officio* superintendent of Indian affairs of Colorado Territory, and Kit Carson, on the part of the United States, and the representatives of

* Relating to a claim, under the act of Congress of August 18, 1856, of citizens of the United States to guano on Alta Vela, an island in the vicinity of Santo Domingo.

the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians.

A letter of the Secretary of the Interior of the 17th instant and the papers therein referred to are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *March 24, 1868.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention, signed on the 23d instant, for the surrender of criminals, between the United States and the Government of Italy.

ANDREW JOHNSON.

WASHINGTON, *March 24, 1868.*

To the House of Representatives:

I transmit herewith a report* and accompanying documents, in answer to a resolution of the House of Representatives of the 18th ultimo.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to a resolution of the 9th instant, the accompanying report† from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives:

I transmit herewith a report and accompanying document,‡ in answer to a resolution of the House of Representatives of the 11th ultimo.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 18th ultimo, relating to the report of Mr. Cowdin, I transmit a report of the Secretary of State and the document§ to which it refers.

ANDREW JOHNSON.

*Relating to unexpended appropriations for contingent expenses of foreign intercourse; amount remaining on deposit with Baring Brothers & Co. September 30, 1867, etc.

†Declining to transmit copies of correspondence, negotiations, and treaties with German States since January 1, 1868, relative to the rights of naturalized citizens.

‡Statement of amounts paid for legal services by the Department of State during each year since 1860, with names of persons to whom paid.

§Report of Elliot C. Cowdin, United States commissioner to the Paris Exposition of 1867, on silk and silk manufactures.

WASHINGTON, *April 2, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in further answer to their resolution of the 9th ultimo, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *April 2, 1868.*

To the House of Representatives:

In further reply to the resolution adopted by the House of Representatives on the 19th of December, 1867, calling for correspondence and information in relation to Russian America, I transmit a report from the Secretary of State and the papers which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *April 3, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State and the papers accompanying it, in answer to a resolution of the House of Representatives of the 10th of February last, requesting information relative to the imprisonment and destruction of the property of Antonio Pelletier by the people and authorities of Hayti.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th of February last, calling for the correspondence upon the subject of the murder by the inhabitants of the island of Formosa of the ship's company of the American bark *Rover*, I transmit a report from the Secretary of State and a report from the Secretary of the Navy, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *April 18, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th of April instant, calling for information relative to any application by any party for exclusive privileges in connection with hunting, trading, and the fisheries in Alaska, I transmit herewith the report of the Secretary of State on the subject, with its accompanying papers.

ANDREW JOHNSON.

*Transmitting correspondence pertaining to the convention of February 22, 1868, with the North German Confederation, relative to naturalization.

WASHINGTON, D. C., *April 22, 1868.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th ultimo, requesting information as to the number and designations of military departments formed since the 1st day of August, 1867, and as to the statute or other authority under which they have been established, I transmit a report from the Adjutant-General's Office showing the organization since that date of the Department of Alaska and the Military Division of the Atlantic.

The orders issued by me upon this subject are in accordance with long-established usage and hitherto unquestioned authority. This will be readily seen from the accompanying report, which shows that, employing the authority vested by the Constitution in the President as Commander in Chief of the Army, it has been customary for my predecessors to create such military divisions and departments as from time to time they deemed advisable.

ANDREW JOHNSON.

WASHINGTON, *April 27, 1868.*

To the Senate and House of Representatives:

I submit a report of the Secretary of State, concerning the naturalization treaty recently negotiated between the United States and North Germany.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 5, 1868.*

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents, which I deem it proper to state are all the papers* that have been submitted to the President relating to the proceedings to which they refer in the States of South Carolina and Arkansas.

ANDREW JOHNSON.

WASHINGTON, *May 6, 1868.*

To the Senate of the United States:

I transmit to the Senate, in further answer to their resolution of the 14th of April last, the accompanying report† from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 8, 1868.*

To the House of Representatives:

I transmit herewith reports from the Secretary of the Treasury and the Secretary of the Navy, prepared in compliance with a resolution

*Constitutions of South Carolina and Arkansas.

†Relating to application for exclusive privileges in connection with hunting, trading, and the fisheries in Alaska.

of the House of Representatives of the 12th of December last requesting information respecting the sale of public vessels since the close of the rebellion. No report upon the subject has yet been received from the Department of War.

ANDREW JOHNSON.

WASHINGTON, *May 9, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 14th ultimo, a report from the Secretary of State, with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, *May 9, 1868.*

To the Senate of the United States:

I transmit herewith reports from the Secretary of the Treasury and the Attorney-General, prepared in compliance with the resolution of the Senate of the 17th December last, requesting information in reference to the seizure and confiscation of property. No report upon this subject has yet been received by me from the War Department.

ANDREW JOHNSON.

WASHINGTON, D. C.,
May 11, 1868.

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents,† which embrace all the papers that have been submitted to me relating to the proceedings to which they refer in the States of North Carolina and Louisiana.

ANDREW JOHNSON.

WASHINGTON, *May 15, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 8th instant, a report‡ from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

*Report of Freeman H. Morse, United States consul at London, on "The Foreign Maritime Commerce of the United States: Its Past, Present, and Future," etc.

†Constitutions of North Carolina and Louisiana.

‡Relating to the detention, at the request of the House of Representatives, of the ironclad monitors *Oneoto* and *Catawba*, purchased from the United States by Swift & Co., and supposed to be intended for the Government of Peru, then at war with a power friendly to the United States.

WASHINGTON, D. C., *May 18, 1868.*

To the Senate and House of Representatives:

I transmit to Congress the accompanying document,* which is the only paper which has been submitted to me relating to the proceedings to which it refers in the State of Georgia.

ANDREW JOHNSON.

WASHINGTON, *May 23, 1868.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with accompaniments, in relation to recent events in the Empire of Japan.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 27, 1868.*

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents,† which are the only papers which have been submitted to me relating to the proceedings to which they refer in the State of Florida.

ANDREW JOHNSON.

WASHINGTON, *May 29, 1868.*

To the House of Representatives:

I transmit herewith a letter from the Secretary of the Navy, in reply to the resolution of the House of Representatives adopted on the 26th instant, making inquiries relative to a naval force at Hayti.

ANDREW JOHNSON.

WASHINGTON, *June 2, 1868.*

To the Senate of the United States:

I communicate, for the information of the Senate, in confidence, a report of the Secretary of State, accompanied by a copy of a dispatch recently received from the acting consul of the United States at San Jose, Costa Rica.

ANDREW JOHNSON.

WASHINGTON, *June 2, 1868.*

To the Senate of the United States:

I communicate, for the consideration of the Senate, a report from the Secretary of State, accompanied by a copy of a dispatch recently received from the acting United States consul in charge of the legation at San Jose, Costa Rica.

ANDREW JOHNSON.

*Constitution of Georgia.

†Letter from the president of the constitutional convention of Florida, transmitting a copy of the constitution of that State.

WASHINGTON, *June 5, 1868.*

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the last two years, I transmit the accompanying report from the Secretary of State upon the subject.

ANDREW JOHNSON.

WASHINGTON, *June 8, 1868.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th ultimo, I transmit herewith a communication from the Postmaster-General, with a copy of the correspondence recently had with the authorities of Great Britain in relation to a new postal treaty.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 10, 1868.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 1st instant, I transmit herewith a report from the Secretary of the Interior, in reference to a treaty now being negotiated between the Great and Little Osage Indians and the special Indian commissioners acting on the part of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 13, 1868.*

To the Senate of the United States:

I herewith submit to the Senate, for its constitutional action thereon, a treaty concluded on the 27th ultimo between commissioners on the part of the United States and the Great and Little Osage tribe of Indians of Kansas, together with a communication from the Secretary of the Interior suggesting an amendment to the fourteenth article, and a copy of the report of the commissioners.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 15, 1868.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, made in reply to the resolution adopted by the House of Representatives on the 13th instant.

The treaty recently concluded with the Great and Little Osage Indians, to which the accompanying report refers, was submitted to the Senate prior to the receipt of the resolution of the House upon the subject.

ANDREW JOHNSON.

WASHINGTON, *June 19, 1868.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to its ratification, a treaty between the United States and His Majesty the King of Bavaria, signed at Munich on the 26th ultimo, concerning the citizenship of persons emigrating from Bavaria to the United States and from the United States to the Kingdom of Bavaria. I transmit also a copy of the letter of the United States minister communicating the treaty, of the protocol which accompanied it, and a translation of the Bavarian military law referred to in the latter paper.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1868.*

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty concluded at Fort Sumner, N. Mex., on the 1st instant, between Lieutenant-General W. T. Sherman and Colonel Samuel F. Tappan, on the part of the United States, and the chiefs and headmen of the Navajo Indians, on the part of the latter. I also transmit a communication upon the subject from the Secretary of the Interior, with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1868.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th ultimo, a report from the Secretary of State, with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, *June 23, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of the 15th instant, upon the subject of Messrs. Warren and Costello, who have been convicted and sentenced to penal imprisonment in Great Britain.

ANDREW JOHNSON.

WASHINGTON, *June 23, 1868.*

To the Senate of the United States:

I transmit to the Senate a copy of a dispatch addressed to the Department of State by the consul of the United States at Bangkok, Siam, dated

*Correspondence relative to the act of Congress of March 27, 1867, prohibiting persons in the diplomatic service of the United States from wearing any uniform or official costume not previously authorized by Congress.

December 31, 1867, with a view to its consideration and the ratification thereof, of the modification proposed by the royal counselors of the Kingdom of Siam in Article I of the general regulations which form a part of the treaty between the United States and that Kingdom concluded May 29, 1856, of which a printed copy is also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *June 29, 1868.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a dispatch from the United States consul at Elsinore, and of an instruction from the Secretary of State to the United States minister at Copenhagen, relative to an alleged practice of the Danish authorities to banish convicts to this country. The expediency of making it a penal offense to bring such persons to the United States is submitted to your consideration.

ANDREW JOHNSON.

To the House of Representatives: WASHINGTON, *July 2, 1868.*

I transmit herewith a report from the Secretary of State of the 2d instant, together with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded at Fort Laramie, Dakota Territory, on the 7th of May, 1868, between the United States and the chiefs and headmen of the Crow Indians of Montana, and a treaty concluded at Fort Laramie, Dakota Territory, on the 10th of May, 1868, between the United States and the chiefs and headmen of the Northern Cheyenne and Northern Arapahoe tribes of Indians.

A letter from the Secretary of the Interior suggesting amendments to said treaties, and the papers to which he refers in his communication, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Ottawa, Kans., on the 1st day of June,

*Petitions of merchants and shipowners of New York and Boston relative to the detention, at the request of the House of Representatives, of the ironclad monitors *Oneoto* and *Catawba*, purchased from the United States by Swift & Co., and supposed to be intended for the Government of Peru, then at war with a power friendly to the United States.

1868, between the United States and the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of the State of Kansas.

Accompanying the treaty is a letter from the Secretary of the Interior, dated the 30th ultimo, together with the papers therein designated.

ANDREW JOHNSON.

WASHINGTON, *July 9, 1868.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, additional articles to the treaty between the United States and His Majesty the Emperor of China of the 18th June, 1858, signed in this city on the 4th instant by the plenipotentiaries of the parties.

ANDREW JOHNSON.

WASHINGTON, *July 10, 1868.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and the Mexican Republic, signed in this city by the plenipotentiaries of the parties on the 4th instant, providing for an adjustment of claims of citizens of the United States on the Mexican Government and of Mexican citizens on the Government of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 10, 1868.*

To the Senate of the United States:

Referring to my message to the Senate of the 23d of May last, I herewith transmit a further report from the Secretary of State, with an accompanying document, relative to late occurrences in Japan.

ANDREW JOHNSON.

WASHINGTON, *July 14, 1868.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, inclosing a list of the States of the Union whose legislatures have ratified the proposed fourteenth article of amendment to the Constitution of the United States, and also a copy of the resolutions of ratification, as called for in the Senate's resolution of the 9th instant, together with a copy of the respective resolutions of the legislatures of Ohio and New Jersey purporting to rescind the resolutions of ratification of said amendment which had previously been adopted by the legislatures of these two States, respectively, or to withdraw their consent to the same.

ANDREW JOHNSON.

WASHINGTON, *July 15, 1868.*

To the Senate and House of Representatives:

I hereby transmit to Congress a report, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *July 15, 1868.*

To the Congress of the United States:

I submit herewith a correspondence between the Secretary of State and Mr. Robert B. Van Valkenburgh, minister resident of the United States in Japan. It seems to show the importance of an amendment of the law of the United States prohibiting the cooly trade.

ANDREW JOHNSON.

WASHINGTON, *July 17, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a paper received by him to-day, purporting to be a resolution ratifying on the part of the State of Louisiana the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a paper received by me on the 18th instant, purporting to be a resolution of the senate and house of representatives of the State of South Carolina, ratifying the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 18, 1868.*

To the Senate and House of Representatives:

Experience has fully demonstrated the wisdom of the framers of the Federal Constitution. Under all circumstances the result of their labors was as near an approximation to perfection as was compatible with the fallibility of man. Such being the estimation in which the Constitution

is and has ever been held by our countrymen, it is not surprising that any proposition for its alteration or amendment should be received with reluctance and distrust. While this sentiment deserves commendation and encouragement as a useful preventive of unnecessary attempt to change its provisions, it must be conceded that time has developed imperfections and omissions in the Constitution, the reformation of which has been demanded by the best interests of the country. Some of these have been remedied in the manner provided in the Constitution itself. There are others which, although heretofore brought to the attention of the people, have never been so presented as to enable the popular judgment to determine whether they should be corrected by means of additional amendments. My object in this communication is to suggest certain defects in the Constitution which seem to me to require correction, and to recommend that the judgment of the people be taken on the amendments proposed.

The first of the defects to which I desire to direct attention is in that clause of the Constitution which provides for the election of President and Vice-President through the intervention of electors, and not by an immediate vote of the people. The importance of so amending this clause as to secure to the people the election of President and Vice-President by their direct votes was urged with great earnestness and ability by President Jackson in his first annual message, and the recommendation was repeated in five of his subsequent communications to Congress, extending through the eight years of his Administration. In his message of 1829 he said:

> To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives.

He then proceeded to state the objections to an election of President by the House of Representatives, the most important of which was that the choice of a clear majority of the people might be easily defeated. He then closed the argument with the following communication:

> I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

Although this recommendation was repeated with undiminished earnestness in several of his succeeding messages, yet the proposed amendment was never adopted and submitted to the people by Congress. The danger of a defeat of the people's choice in an election by the House of

Representatives remains unprovided for in the Constitution, and would be greatly increased if the House of Representatives should assume the power arbitrarily to reject the votes of a State which might not be cast in conformity with the wishes of the majority in that body.

But if President Jackson failed to secure the amendment to the Constitution which he urged so persistently, his arguments contributed largely to the formation of party organizations, which have effectually avoided the contingency of an election by the House of Representatives. These organizations, first by a resort to the caucus system of nominating candidates, and afterwards to State and national conventions, have been successful in so limiting the number of candidates as to escape the danger of an election by the House of Representatives.

It is clear, however, that in thus limiting the number of candidates the true object and spirit of the Constitution have been evaded and defeated. It is an essential feature in our republican system of government that every citizen possessing the constitutional qualifications has a right to become a candidate for the office of President and Vice-President, and that every qualified elector has a right to cast his vote for any citizen whom he may regard as worthy of these offices. But under the party organizations which have prevailed for years these asserted rights of the people have been as effectually cut off and destroyed as if the Constitution itself had inhibited their exercise.

The danger of a defeat of the popular choice in an election by the House of Representatives is no greater than in an election made nominally by the people themselves, when by the laws of party organizations and by the constitutional provisions requiring the people to vote for electors instead of for the President or Vice-President it is made impracticable for any citizen to be a candidate except through the process of a party nomination, and for any voter to cast his suffrage for any other person than one thus brought forward through the manipulations of a nominating convention. It is thus apparent that by means of party organizations that provision of the Constitution which requires the election of President and Vice-President to be made through the electoral colleges has been made instrumental and potential in defeating the great object of conferring the choice of these officers upon the people. It may be conceded that party organizations are inseparable from republican government, and that when formed and managed in subordination to the Constitution they may be valuable safeguards of popular liberty; but when they are perverted to purposes of bad ambition they are liable to become the dangerous instruments of overthrowing the Constitution itself. Strongly impressed with the truth of these views, I feel called upon by an imperative sense of duty to revive substantially the recommendation so often and so earnestly made by President Jackson, and to urge that the amendment to the Constitution herewith presented, or some similar proposition, may be submitted to the people for their ratification or rejection

Recent events have shown the necessity of an amendment to the Constitution distinctly defining the persons who shall discharge the duties of President of the United States in the event of a vacancy in that office by the death, resignation, or removal of both the President and Vice-President. It is clear that this should be fixed by the Constitution, and not be left to repealable enactments of doubtful constitutionality. It occurs to me that in the event of a vacancy in the office of President by the death, resignation, disability, or removal of both the President and Vice-President the duties of the office should devolve upon an officer of the executive department of the Government, rather than one connected with the legislative or judicial departments. The objections to designating either the President *pro tempore* of the Senate or the Chief Justice of the Supreme Court, especially in the event of a vacancy produced by removal, are so obvious and so unanswerable that they need not be stated in detail. It is enough to state that they are both interested in producing a vacancy, and, according to the provisions of the Constitution, are members of the tribunal by whose decree a vacancy may be produced.

Under such circumstances the impropriety of designating either of these officers to succeed the President so removed is palpable. The framers of the Constitution, when they referred to Congress the settlement of the succession to the office of President in the event of a vacancy in the offices of both President and Vice-President, did not, in my opinion, contemplate the designation of any other than an officer of the executive department, on whom, in such a contingency, the powers and duties of the President should devolve. Until recently the contingency has been remote, and serious attention has not been called to the manifest incongruity between the provisions of the Constitution on this subject and the act of Congress of 1792. Having, however, been brought almost face to face with this important question, it seems an eminently proper time for us to make the legislation conform to the language, intent, and theory of the Constitution, and thus place the executive department beyond the reach of usurpation, and remove from the legislative and judicial departments every temptation to combine for the absorption of all the powers of government.

It has occurred to me that in the event of such a vacancy the duties of President would devolve most appropriately upon some one of the heads of the several Executive Departments, and under this conviction I present for your consideration an amendment to the Constitution on this subject, with the recommendation that it be submitted to the people for their action.

Experience seems to have established the necessity of an amendment of that clause of the Constitution which provides for the election of Senators to Congress by the legislatures of the several States. It would be more consistent with the genius of our form of government if the Senators were chosen directly by the people of the several States. The objections to the election of Senators by the legislatures are so palpable that I deem

it unnecessary to do more than submit the proposition for such an amendment, with the recommendation that it be opened to the people for their judgment.

It is strongly impressed on my mind that the tenure of office by the judiciary of the United States during good behavior for life is incompatible with the spirit of republican government, and in this opinion I am fully sustained by the evidence of popular judgment upon this subject in the different States of the Union.

I therefore deem it my duty to recommend an amendment to the Constitution by which the terms of the judicial officers would be limited to a period of years, and I herewith present it in the hope that Congress will submit it to the people for their decision.

The foregoing views have long been entertained by me. In 1845, in the House of Representatives, and afterwards, in 1860, in the Senate of the United States, I submitted substantially the same propositions as those to which the attention of Congress is herein invited. Time, observation, and experience have confirmed these convictions; and, as a matter of public duty and a deep sense of my constitutional obligation "to recommend to the consideration of Congress such measures as I deem necessary and expedient," I submit the accompanying propositions, and urge their adoption and submission to the judgment of the people.

ANDREW JOHNSON.

JOINT RESOLUTION proposing amendments to the Constitution of the United States.

Whereas the fifth article of the Constitution of the United States provides for amendments thereto in the manner following, viz:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate:"

Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (*two-thirds of both Houses concurring*), That the following amendments to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the Constitution:

"That hereafter the President and Vice-President of the United States shall be chosen for the term of six years, by the people of the respective States, in the manner following: Each State shall be divided by the legislature thereof in districts, equal in number to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the Constitution, and to be laid off for

the first time immediately after the ratification of this amendment; that on the first Thursday in August in the year 18—, and on the same day every sixth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State legislatures shall meet within their respective districts and vote for a President and Vice-President of the United States; and the person receiving the greatest number of votes for President and the one receiving the greatest number of votes for Vice-President in each district shall be holden to have received one vote, which fact shall be immediately certified by the governor of the State to each of the Senators in Congress from such State and to the President of the Senate and the Speaker of the House of Representatives. The Congress of the United States shall be in session on the second Monday in October in the year 18—, and on the same day in every sixth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held on the first Thursday in the month of December then next ensuing between the persons having the two highest numbers for the office of President, which second election shall be conducted, the result certified, and the votes counted in the same manner as in the first, and the person having the greatest number of votes for President shall be President. But if two or more persons shall have received the greatest and an equal number of votes at the second election, then the person who shall have received the greatest number of votes in the greatest number of States shall be President. The person having the greatest number of votes for Vice-President at the first election shall be Vice-President, if such number be equal to a majority of the whole number of votes given; and if no person have such majority, then a second election shall take place between the persons having the two highest numbers on the same day that the second election is held for President, and the person having the highest number of the votes for Vice-President shall be Vice-President. But if there should happen to be an equality of votes between the persons so voted for at the second election, then the person having the greatest number of votes in the greatest number of States shall be Vice-President. But when a second election shall be necessary in the case of Vice-President and not necessary in the case of President, then the Senate shall choose a Vice-President from the persons having the two highest numbers in the first election, as now prescribed in the Constitution: *Provided*, That after the ratification of this amendment to the Constitution the President and Vice-President shall hold their offices, respectively, for the term of six years, and that no President or Vice-President shall be eligible for reelection to a second term."

SEC. 2. *And be it further resolved*, That Article II, section 1, paragraph 6, of the Constitution of the United States shall be amended so as to read as follows:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and in the case of the removal, death, resignation, or inability both of the President and Vice-President, the powers and duties of said office shall devolve on the Secretary of State for the time being, and after this officer, in case of vacancy in that or other Department, and in the order in which they are named, on the Secretary of the Treasury, on the Secretary of War, on the Secretary of the Navy, on the Secretary of the Interior, on the Postmaster-General, and on the Attorney-General; and such officer, on whom the powers and duties of President shall devolve in accordance with the foregoing provisions, shall then act as President until the disability shall be removed or a President shall be elected, as is or may be provided for by law."

SEC. 3. *And be it further resolved*, That Article I, section 3, be amended by striking out the word "legislature," and inserting in lieu thereof the following words,

viz: "Persons qualified to vote for members of the most numerous branch of the legislature," so as to make the third section of said article, when ratified by three-fourths of the States, read as follows, to wit:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the persons qualified to vote for the members of the most numerous branch of the legislature thereof, for six years, and each Senator shall have one vote."

SEC. 4. *And be it further resolved*, That Article III, section 1, be amended by striking out the words "good behavior," and inserting the following words, viz: "the term of twelve years." And further, that said article and section be amended by adding the following thereto, viz: "And it shall be the duty of the President of the United States, within twelve months after the ratificatiou of this amendment by three-fourths of all the States, as provided by the Constitution of the United States, to divide the whole number of judges, as near as may be practicable, into three classes. The seats of the judges of the first class shall be vacated at the expiration of the fourth year from such classification, of the second class at the expiration of the eighth year, and of the third class at the expiration of the twelfth year, so that one-third may be chosen every fourth year thereafter."

The article as amended will read as follows:

ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress from time to time may ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during the term of twelve years, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office; and it shall be the duty of the President of the United States, within twelve months after the ratification of this amendment by three-fourths of all the States, as provided by the Constitution of the United States, to divide the whole number of judges, as near as may be practicable, into three classes. The seats of the judges of the first class shall be vacated at the expiration of the fourth year from such classification; of the second class, at the expiration of the eighth year; and of the third class, at the expiration of the twelfth year, so that one-third may be chosen every fourth year thereafter.

WASHINGTON, D. C., *July 18, 1868.*

To the House of Representatives:

In compliance with the resolution adopted by the House of Representatives on the 13th instant, requesting "copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with the Great and Little Osage Indians, and copies of all propositions made to said commission from railroad corporations or by individuals," I transmit the accompanying communications from the Secretary of the Interior, together with the papers to which they have reference.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a

paper received by me this day, purporting to be a resolution of the senate and house of representatives of the State of Alabama ratifying the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, *July 24, 1868.*

To the Senate of the United States:

I transmit herewith a letter from the Secretary of the Navy, inclosing a report of a board of naval officers appointed in pursuance of an act of Congress approved May 19, 1868, to select suitable locations for powder magazines.

ANDREW JOHNSON.

WASHINGTON, *July 27, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 24th instant, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, D. C., *March 25, 1868.*

To the Senate of the United States:

I have considered, with such care as the pressure of other duties has permitted, a bill entitled "An act to amend an act entitled 'An act to amend the judiciary act, passed the 24th of September, 1789.'" Not being able to approve all of its provisions, I herewith return it to the Senate, in which House it originated, with a brief statement of my objections.

The first section of the bill meets my approbation, as, for the purpose of protecting the rights of property from the erroneous decision of inferior judicial tribunals, it provides means for obtaining uniformity, by appeal to the Supreme Court of the United States, in cases which have now become very numerous and of much public interest, and in which such remedy is not now allowed. The second section, however, takes away the right of appeal to that court in cases which involve the life and liberty of the citizen, and leaves them exposed to the judgment of numerous inferior tribunals. It is apparent that the two sections were

*Relating to absence from his post of the consul at Panama.

conceived in a very different spirit, and I regret that my objections to one impose upon me the necessity of withholding my sanction from the other.

I can not give my assent to a measure which proposes to deprive any person "restrained of his or her liberty in violation of the Constitution or of any treaty or law of the United States" from the right of appeal to the highest judicial authority known to our Government. To "secure the blessings of liberty to ourselves and our posterity" is one of the declared objects of the Federal Constitution. To assure these, guaranties are provided in the same instrument, as well against "unreasonable searches and seizures" as against the suspensions of "the privilege of the writ of *habeas corpus*, * * * unless when, in cases of rebellion or invasion, the public safety may require it." It was doubtless to afford the people the means of protecting and enforcing these inestimable privileges that the jurisdiction which this bill proposes to take away was conferred upon the Supreme Court of the nation. The act conferring that jurisdiction was approved on the 5th day of February, 1867, with a full knowledge of the motives that prompted its passage, and because it was believed to be necessary and right. Nothing has since occurred to disprove the wisdom and justness of the measures, and to modify it as now proposed would be to lessen the protection of the citizen from the exercise of arbitrary power and to weaken the safeguards of life and liberty, which can never be made too secure against illegal encroachments.

The bill not only prohibits the adjudication by the Supreme Court of cases in which appeals may hereafter be taken, but interdicts its jurisdiction on appeals which have already been made to that high judicial body. If, therefore, it should become a law, it will by its retroactive operation wrest from the citizen a remedy which he enjoyed at the time of his appeal. It will thus operate most harshly upon those who believe that justice has been denied them in the inferior courts.

The legislation proposed in the second section, it seems to me, is not in harmony with the spirit and intention of the Constitution. It can not fail to affect most injuriously the just equipoise of our system of Government, for it establishes a precedent which, if followed, may eventually sweep away every check on arbitrary and unconstitutional legislation. Thus far during the existence of the Government the Supreme Court of the United States has been viewed by the people as the true expounder of their Constitution, and in the most violent party conflicts its judgments and decrees have always been sought and deferred to with confidence and respect. In public estimation it combines judicial wisdom and impartiality in a greater degree than any other authority known to the Constitution, and any act which may be construed into or mistaken for an attempt to prevent or evade its decision on a question which affects the liberty of the citizens and agitates the country can not fail to be attended with unpropitious consequences. It will be justly held by a large portion of the people as an admission of the unconstitutionality of

the act on which its judgment may be forbidden or forestalled, and may interfere with that willing acquiescence in its provisions which is necessary for the harmonious and efficient execution of any law.

For these reasons, thus briefly and imperfectly stated, and for others, of which want of time forbids the enumeration, I deem it my duty to withhold my assent from this bill, and to return it for the reconsideration of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1868.*

To the House of Representatives:

I return without my signature a bill entitled "An act to admit the State of Arkansas to representation in Congress."

The approval of this bill would be an admission on the part of the Executive that the "Act for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto were proper and constitutional. My opinion, however, in reference to those measures has undergone no change, but, on the contrary, has been strengthened by the results which have attended their execution. Even were this not the case, I could not consent to a bill which is based upon the assumption either that by an act of rebellion of a portion of its people the State of Arkansas seceded from the Union, or that Congress may at its pleasure expel or exclude a State from the Union, or interrupt its relations with the Government by arbitrarily depriving it of representation in the Senate and House of Representatives. If Arkansas is a State not in the Union, this bill does not admit it as a State into the Union. If, on the other hand, Arkansas is a State in the Union, no legislation is necessary to declare it entitled "to representation in Congress as one of the States of the Union." The Constitution already declares that "each State shall have at least one Representative;" that the Senate "shall be composed of two Senators from each State," and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

That instrument also makes each House "the judge of the elections, returns, and qualifications of its own members," and therefore all that is now necessary to restore Arkansas in all its constitutional relations to the Government is a decision by each House upon the eligibility of those who, presenting their credentials, claim seats in the respective Houses of Congress. This is the plain and simple plan of the Constitution; and believing that had it been pursued when Congress assembled in the month of December, 1865, the restoration of the States would long since have been completed, I once again earnestly recommend that it be adopted by each House in preference to legislation, which I respectfully submit is not only of at least doubtful constitutionality, and therefore unwise and dangerous as a precedent, but is unnecessary, not so effective in its operation as the mode prescribed by the Constitution,

involves additional delay, and from its terms may be taken rather as applicable to a Territory about to be admitted as one of the United States than to a State which has occupied a place in the Union for upward of a quarter of a century.

The bill declares the State of Arkansas entitled and admitted to representation in Congress as one of the States of the Union upon the following fundamental condition:

> That the constitution of Arkansas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters.

I have been unable to find in the Constitution of the United States any warrant for the exercise of the authority thus claimed by Congress. In assuming the power to impose a "fundamental condition" upon a State which has been duly "admitted into the Union upon an equal footing with the original States in all respects whatever," Congress asserts a right to enter a State as it may a Territory, and to regulate the highest prerogative of a free people—the elective franchise. This question is reserved by the Constitution to the States themselves, and to concede to Congress the power to regulate the subject would be to reverse the fundamental principle of the Republic and to place in the hands of the Federal Government, which is the creature of the States, the sovereignty which justly belongs to the States or the people—the true source of all political power, by whom our Federal system was created and to whose will it is subordinate.

The bill fails to provide in what manner the State of Arkansas is to signify its acceptance of the "fundamental condition" which Congress endeavors to make unalterable and irrevocable. Nor does it prescribe the penalty to be imposed should the people of the State amend or change the particular portions of the constitution which it is one of the purposes of the bill to perpetuate, but as to the consequences of such action leaves them in uncertainty and doubt. When the circumstances under which this constitution has been brought to the attention of Congress are considered, it is not unreasonable to suppose that efforts will be made to modify its provisions, and especially those in respect to which this measure prohibits any alteration. It is seriously questioned whether the constitution has been ratified by a majority of the persons who, under the act of March 2, 1867, and the acts supplementary thereto, were entitled to registration and to vote upon that issue. Section 10 of the schedule provides that—

> No person disqualified from voting or registering under this constitution shall vote for candidates for any office, nor shall be permitted to vote for the ratification or rejection of the constitution at the polls herein authorized.

Assumed to be in force before its adoption, in disregard of the law of Congress, the constitution undertakes to impose upon the elector other and further conditions. The fifth section of the eighth article provides that "all persons, before registering or voting," must take and subscribe an oath which, among others, contains the following clause:

> That I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men.

It is well known that a very large portion of the electors in all the States, if not a large majority of all of them, do not believe in or accept the political equality of Indians, Mongolians, or negroes with the race to which they belong. If the voters in many of the States of the North and West were required to take such an oath as a test of their qualification, there is reason to believe that a majority of them would remain from the polls rather than comply with its degrading conditions. How far and to what extent this test oath prevented the registration of those who were qualified under the laws of Congress it is not possible to know, but that such was its effect, at least sufficient to overcome the small and doubtful majority in favor of this constitution, there can be no reasonable doubt. Should the people of Arkansas, therefore, desiring to regulate the elective franchise so as to make it conform to the constitutions of a large proportion of the States of the North and West, modify the provisions referred to in the "fundamental condition," what is to be the consequence? Is it intended that a denial of representation shall follow? And if so, may we not dread, at some future day, a recurrence of the troubles which have so long agitated the country? Would it not be the part of wisdom to take for our guide the Federal Constitution, rather than resort to measures which, looking only to the present, may in a few years renew, in an aggravated form, the strife and bitterness caused by legislation which has proved to be so ill timed and unfortunate?

ANDREW JOHNSON

WASHINGTON, D. C.,
June 25, 1868.

To the House of Representatives:

In returning to the House of Representatives, in which it originated, a bill entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," I do not deem it necessary to state at length the reasons which constrain me to withhold my approval. I will not, therefore, undertake at this time to reopen the discussion upon the grave constitutional questions involved in the act of March 2, 1867, and the acts supplementary thereto, in pursuance of which it is claimed, in the preamble to this bill, these States have framed and adopted constitutions of State government

Nor will I repeat the objections contained in my message of the 20th instant, returning without my signature the bill to admit to representation the State of Arkansas, and which are equally applicable to the pending measure.

Like the act recently passed in reference to Arkansas, this bill supersedes the plain and simple mode prescribed by the Constitution for the admission to seats in the respective Houses of Senators and Representatives from the several States. It assumes authority over six States of the Union which has never been delegated to Congress, or is even warranted by previous unconstitutional legislation upon the subject of restoration. It imposes conditions which are in derogation of the equal rights of the States, and is founded upon a theory which is subversive of the fundamental principles of the Government. In the case of Alabama it violates the plighted faith of Congress by forcing upon that State a constitution which was rejected by the people, according to the express terms of an act of Congress requiring that a majority of the registered electors should vote upon the question of its ratification.

For these objections, and many others that might be presented, I can not approve this bill, and therefore return it for the action of Congress required in such cases by the Federal Constitution.

ANDREW JOHNSON.

WASHINGTON, D. C.,
July 20, 1868.

To the Senate of the United States:

I have given to the joint resolution entitled "A resolution excluding from the electoral college the votes of States lately in rebellion which shall not have been reorganized" as careful examination as I have been able to bestow upon the subject during the few days that have intervened since the measure was submitted for my approval.

Feeling constrained to withhold my consent, I herewith return the resolution to the Senate, in which House it originated, with a brief statement of the reasons which have induced my action. This joint resolution is based upon the assumption that some of the States whose inhabitants were lately in rebellion are not now entitled to representation in Congress and participation in the election of President and Vice-President of the United States.

Having heretofore had occasion to give in detail my reasons for dissenting from this view, it is not necessary at this time to repeat them. It is sufficient to state that I continue strong in my conviction that the acts of secession, by which a number of the States sought to dissolve their connection with the other States and to subvert the Union, being unauthorized by the Constitution and in direct violation thereof, were from the beginning absolutely null and void. It follows necessarily that

when the rebellion terminated the several States which had attempted to secede continued to be States in the Union, and all that was required to enable them to resume their relations to the Union was that they should adopt the measures necessary to their practical restoration as States. Such measures were adopted, and the legitimate result was that those States, having conformed to all the requirements of the Constitution, resumed their former relations, and became entitled to the exercise of all the rights guaranteed to them by its provisions.

The joint resolution under consideration, however, seems to assume that by the insurrectionary acts of their respective inhabitants those States forfeited their rights as such, and can never again exercise them except upon readmission into the Union on the terms prescribed by Congress. If this position be correct, it follows that they were taken out of the Union by virtue of their acts of secession, and hence that the war waged upon them was illegal and unconstitutional. We would thus be placed in this inconsistent attitude, that while the war was commenced and carried on upon the distinct ground that the Southern States, being component parts of the Union, were in rebellion against the lawful authority of the United States, upon its termination we resort to a policy of reconstruction which assumes that it was not in fact a rebellion, but that the war was waged for the conquest of territories assumed to be outside of the constitutional Union.

The mode and manner of receiving and counting the electoral votes for President and Vice-President of the United States are in plain and simple terms prescribed by the Constitution. That instrument imperatively requires that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." Congress has, therefore, no power, under the Constitution, to receive the electoral votes or reject them. The whole power is exhausted when, in the presence of the two Houses, the votes are counted and the result declared. In this respect the power and duty of the President of the Senate are, under the Constitution, purely ministerial. When, therefore, the joint resolution declares that no electoral votes shall be received or counted from States that since the 4th of March, 1867, have not "adopted a constitution of State government under which a State government shall have organized," a power is assumed which is nowhere delegated to Congress, unless upon the assumption that the State governments organized prior to the 4th of March, 1867, were illegal and void.

The joint resolution, by implication at least, concedes that these States were States by virtue of their organization prior to the 4th of March, 1867, but denies to them the right to vote in the election of President and Vice-President of the United States. It follows either that this assumption of power is wholly unauthorized by the Constitution or that the States so excluded from voting were out of the Union by reason

of the rebellion, and have never been legitimately restored. Being fully satisfied that they were never out of the Union, and that their relations thereto have been legally and constitutionally restored, I am forced to the conclusion that the joint resolution, which deprives them of the right to have their votes for President and Vice-President received and counted, is in conflict with the Constitution, and that Congress has no more power to reject their votes than those of the States which have been uniformly loyal to the Federal Union.

It is worthy of remark that if the States whose inhabitants were recently in rebellion were legally and constitutionally organized and restored to their rights prior to the 4th of March, 1867, as I am satisfied they were, the only legitimate authority under which the election for President and Vice-President can be held therein must be derived from the governments instituted before that period. It clearly follows that all the State governments organized in those States under act of Congress for that purpose, and under military control, are illegitimate and of no validity whatever; and in that view the votes cast in those States for President and Vice-President, in pursuance of acts passed since the 4th of March, 1867, and in obedience to the so-called reconstruction acts of Congress, can not be legally received and counted, while the only votes in those States that can be legally cast and counted will be those cast in pursuance of the laws in force in the several States prior to the legislation by Congress upon the subject of reconstruction.

I can not refrain from directing your special attention to the declaration contained in the joint resolution, that "none of the States whose inhabitants were lately in rebellion shall be entitled to representation in the electoral college," etc. If it is meant by this declaration that no State is to be allowed to vote for President and Vice-President *all* of whose inhabitants were engaged in the late rebellion, it is apparent that no one of the States will be excluded from voting, since it is well known that in every Southern State there were many inhabitants who not only did not participate in the rebellion, but who actually took part in the suppression, or refrained from giving it any aid or countenance. I therefore conclude that the true meaning of the joint resolution is that no State a *portion* of whose inhabitants were engaged in the rebellion shall be permitted to participate in the Presidential election, except upon the terms and conditions therein prescribed.

Assuming this to be the true construction of the resolution, the inquiry becomes pertinent, May those Northern States a portion of whose inhabitants were actually in the rebellion be prevented, at the discretion of Congress, from having their electoral votes counted? It is well known that a portion of the inhabitants of New York and a portion of the inhabitants of Virginia were alike engaged in the rebellion; yet it is equally well known that Virginia, as well as New York, was at all times during the war recognized by the Federal Government as a State in the Union — so

clearly that upon the termination of hostilities it was not even deemed necessary for her restoration that a provisional governor should be appointed; yet, according to this joint resolution, the people of Virginia, unless they comply with the terms it prescribes, are denied the right of voting for President, while the people of New York, a portion of the inhabitants of which State were also in rebellion, are permitted to have their electoral votes counted without undergoing the process of reconstruction prescribed for Virginia. New York is no more a State than Virginia; the one is as much entitled to representation in the electoral college as the other. If Congress has the power to deprive Virginia of this right, it can exercise the same authority with respect to New York or any other of the States. Thus the result of the Presidential election may be controlled and determined by Congress, and the people be deprived of their right under the Constitution to choose a President and Vice-President of the United States.

If Congress were to provide by law that the votes of none of the States should be received and counted if cast for a candidate who differed in political sentiment with a majority of the two Houses, such legislation would at once be condemned by the country as an unconstitutional and revolutionary usurpation of power. It would, however, be exceedingly difficult to find in the Constitution any more authority for the passage of the joint resolution under consideration than for an enactment looking directly to the rejection of all votes not in accordance with the political preferences of a majority of Congress. No power exists in the Constitution authorizing the joint resolution or the supposed law—the only difference being that one would be more palpably unconstitutional and revolutionary than the other. Both would rest upon the radical error that Congress has the power to prescribe terms and conditions to the right of the people of the States to cast their votes for President and Vice-President.

For the reasons thus indicated I am constrained to return the joint resolution to the Senate for such further action thereon as Congress may deem necessary.

ANDREW JOHNSON.

WASHINGTON, *July 25, 1868*

To the Senate of the United States:

Believing that a bill entitled "An act relating to the Freedmen's Bureau, and providing for its discontinuance," interferes with the appointing power conferred by the Constitution upon the Executive, and for other reasons, which at this late period of the session time will not permit me to state, I herewith return it to the Senate, in which House it originated, without my approval.

ANDREW JOHNSON.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas in the month of July, A. D. 1861, in accepting the condition of civil war which was brought about by insurrection and rebellion in several of the States which constitute the United States, the two Houses of Congress did solemnly declare that that war was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for any purpose of overthrowing or interfering with the rights or established institutions of the States, but only to defend and maintain the supremacy of the Constitution of the United States and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that so soon as those objects should be accomplished the war on the part of the Government should cease; and

Whereas the President of the United States has heretofore, in the spirit of that declaration and with the view of securing for it ultimate and complete effect, set forth several proclamations offering amnesty and pardon to persons who had been or were concerned in the aforenamed rebellion, which proclamations, however, were attended with prudential reservations and exceptions then deemed necessary and proper, and which proclamations were respectively issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, and on the 7th day of September, 1867; and

Whereas the said lamentable civil war has long since altogether ceased, with an acknowledgment by all the States of the supremacy of the Federal Constitution and of the Government thereunder, and there no longer exists any reasonable ground to apprehend a renewal of the said civil war, or any foreign interference, or any unlawful resistance by any portion of the people of any of the States to the Constitution and laws of the United States; and

Whereas it is desirable to reduce the standing army and to bring to a speedy termination military occupation, martial law, military tribunals, abridgment of the freedom of speech and of the press, and suspension of the privilege of *habeas corpus* and of the right of trial by jury, such encroachments upon our free institutions in time of peace being dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our republican form of government, and exhaustive of the national resources; and

Whereas it is believed that amnesty and pardon will tend to secure a complete and universal establishment and prevalence of municipal law

and order in conformity with the Constitution of the United States, and to remove all appearances or presumptions of a retaliatory or vindictive policy on the part of the Government attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, and, on the contrary, to promote and procure complete fraternal reconciliation among the whole people, with due submission to the Constitution and laws:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do, by virtue of the Constitution and in the name of the people of the United States, hereby proclaim and declare, unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion, excepting such person or persons as may be under presentment or indictment in any court of the United States having competent jurisdiction upon a charge of treason or other felony, a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late civil war, with restoration of all rights of property, except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 4th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed on the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas the said act seems to be prospective; and

Whereas a paper purporting to be a resolution of the legislature of Florida adopting the amendment of the thirteenth and fourteenth articles of the Constitution of the United States was received at the Department of State on the 16th of June, 1868, prior to the passage of the act of Congress referred to, which paper is attested by the names of Horatio

Jenkins, jr., as president *pro tempore* of the senate, and W. W. Moore as speaker of the assembly, and of William L. Apthoop, as secretary of the senate, and William Forsyth Bynum, as clerk of the assembly, and which paper was transmitted to the Secretary of State in a letter dated Executive Office, Tallahassee, Fla., June 10, 1868, from Harrison Reed, who therein signs himself governor; and

Whereas on the 6th day of July, 1868, a paper was received by the President, which paper, being addressed to the President, bears date of the 4th day of July, 1868, and was transmitted by and under the name of W. W. Holden, who therein writes himself governor of the State of North Carolina, which paper certifies that the said proposed amendment, known as article fourteen, did pass the senate and house of representatives of the general assembly of North Carolina on the 2d day of July instant, and is attested by the names of John H. Boner, or Bower, as secretary of the house of representatives, and T. A. Byrnes, as secretary of the senate; and its ratification on the 4th of July, 1868, is attested by Tod R. Caldwell, as lieutenant-governor, president of the senate, and Jo. W. Holden, as speaker house of representatives:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress aforesaid, do issue this proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of North Carolina in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 11th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas on the 18th day of July, 1868, a letter was received by the President, which letter, being addressed to the President, bears date of July 15, 1868, and was transmitted by and under the name of R. K. Scott,

who therein writes himself governor of South Carolina, in which letter was inclosed and received at the same time by the President a paper purporting to be a resolution of the senate and house of representatives of the general assembly of the State of South Carolina ratifying the said proposed amendment, and also purporting to have passed the two said houses, respectively, on the 7th and 9th of July, 1868, and to have been approved by the said R. K. Scott, as governor of said State, on the 15th of July, 1868, which circumstances are attested by the signatures of D. T. Corbin, as president *pro tempore* of the senate, and of F. J. Moses, jr., as speaker of the house of representatives of said State, and of the said R. K. Scott, as governor:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress aforesaid, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of South Carolina in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD. *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed on the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a paper was received at the Department of State on the 17th day of July, 1868, which paper, bearing date of the 9th day of July, 1868, purports to be a resolution of the senate and house of representatives of the State of Louisiana in general assembly convened ratifying the aforesaid amendment, and is attested by the signature of George E. Bovee, as secretary of state, under a seal purporting to be the seal of the State of Louisiana:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing

the fact of the ratification of the said amendment by the legislature of the State of Louisiana in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a letter was received this day by the President, which letter, being addressed to the President, bears date of July 16, 1868, and was transmitted by and under the name of William H. Smith, who therein writes himself governor of Alabama, in which letter was inclosed and received at the same time by the President a paper purporting to be a resolution of the senate and house of representatives of the general assembly of the State of Alabama ratifying the said proposed amendment, which paper is attested by the signature of Charles A. Miller, as secretary of state, under a seal purporting to be the seal of the State of Alabama, and bears the date of approval of July 13, 1868, by William H. Smith, as governor of said State:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of Alabama in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 20th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State:*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a paper was received at the Department of State this 27th day of July, 1868, purporting to be a joint resolution of the senate and house of representatives of the general assembly of the State of Georgia, ratifying the said proposed amendment and also purporting to have passed the two said houses, respectively, on the 21st of July, 1868, and to have been approved by Rufus B. Bullock, who therein signs himself governor of Georgia, which paper is also attested by the signatures of Benjamin Conley, as president of the senate, and R. L. McWhorters, as speaker of the house of representatives, and is further attested by the signatures of A. E. Marshall, as secretary of the senate, and M. A. Hardin, as clerk of the house of representatives:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of Georgia in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 27th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In the year which is now drawing to its end the art, the skill, and the labor of the people of the United States have been employed with greater diligence and vigor and on broader fields than ever before, and the fruits of the earth have been gathered into the granary and the storehouse in marvelous abundance. Our highways have been lengthened, and new and prolific regions have been occupied. We are permitted to hope that long-protracted political and sectional dissensions are at no distant day to give place to returning harmony and fraternal affection throughout the Republic. Many foreign states have entered into liberal agreements

with us, while nations which are far off and which heretofore have been unsocial and exclusive have become our friends.

The annual period of rest, which we have reached in health and tranquillity, and which is crowned with so many blessings, is by universal consent a convenient and suitable one for cultivating personal piety and practicing public devotion.

I therefore recommend that Thursday, the 26th day of November next, be set apart and observed by all the people of the United States as a day for public praise, thanksgiving, and prayer to the Almighty Creator and Divine Ruler of the Universe, by whose ever-watchful, merciful, and gracious providence alone states and nations, no less than families and individual men, do live and move and have their being.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1868, and of the Independence of the United States the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *December 17, 1867.*

It is desired and advised that all communications in writing intended for the executive department of this Government and relating to public business of whatever kind, including suggestions for legislation, claims, contracts, employment, appointments, and removals from office, and pardons, be transmitted directly in the first instance to the head of the Department to which the care of the subject-matter of the communication properly belongs. This regulation has become necessary for the more convenient, punctual, and regular dispatch of the public business.

By order of the President:

WILLIAM H. SEWARD,
Secretary of State.

GENERAL ORDERS, NO. 104.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 28, 1867.

By direction of the President of the United States, the following orders are made:

I. Brevet Major-General E. O. C. Ord will turn over the command of

the Fourth Military District to Brevet Major-General A. C. Gillem, and proceed to San Francisco, Cal., to take command of the Department of California.

II. On being relieved by Brevet Major-General Ord, Brevet Major-General Irvin McDowell will proceed to Vicksburg, Miss., and relieve General Gillem in command of the Fourth Military District.

III. Brevet Major-General John Pope is hereby relieved of the command of the Third Military District, and will report without delay at the Headquarters of the Army for further orders, turning over his command to the next senior officer until the arrival of his successor.

IV. Major-General George G. Meade is assigned to the command of the Third Military District, and will assume it without delay. The Department of the East will be commanded by the senior officer now on duty in it until a commander is named by the President.

V. The officers assigned in the foregoing orders to command of military districts will exercise therein any and all powers conferred by acts of Congress upon district commanders, and also any and all powers pertaining to military-department commanders.

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By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, NO. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1868.

The following orders are published for the information and guidance of all concerned:

EXECUTIVE MANSION,
Washington, D. C., February 12, 1868.

General U. S. GRANT,
Commanding Armies of the United States, Washington, D. C.

GENERAL: You will please issue an order creating a military division, to be called the Military Division of the Atlantic, to be composed of the Department of the Lakes, the Department of the East, and the Department of Washington, and to be commanded by Lieutenant-General William T. Sherman, with his headquarters at Washington.

Until further orders from the President, you will assign no officer to the permanent command of the Military Division of the Missouri.

Respectfully, yours,

ANDREW JOHNSON.

Major-General P. H. Sheridan, the senior officer in the Military Division of the Missouri, will temporarily perform the duties of commander of

the Military Division of the Missouri, in addition to his duties of department commander.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Hon. EDWIN M. STANTON,
Washington, D. C.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

GENERAL ORDERS, No. 17.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1868.

By direction of the President of the United States, Major-General W. S. Hancock is relieved from command of the Fifth Military District and assigned to command of the Military Division of the Atlantic, created by General Orders, No. 10, of February 12, 1868.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., May 28, 1868.

The chairman of the committee of arrangements having requested that an opportunity may be given to those employed in the several Executive Departments of the Government to unite with their fellow-citizens in paying a fitting tribute to the memory of the brave men whose remains repose in the national cemeteries, the President directs that as far as may be consistent with law and the public interests persons who desire to participate in the ceremonies be permitted to absent themselves from their duties on Saturday, the 30th instant.

By order of the President:

WM. G. MOORE, *Secretary.*

EXECUTIVE MANSION,
Washington, D. C., June 1, 1868.

Major-General John M. Schofield having been appointed, by and with the advice and consent of the Senate, Secretary for the Department of War, is hereby relieved from the command of the First Military District, created by the act of Congress passed March 2, 1867.

Brevet Major-General George Stoneman is hereby assigned, according to his brevet rank of major-general, to the command of the said First District and of the Military Department of Virginia.

The Secretary of War will please give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

GENERAL ORDERS, No. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 3, 1868.

I. The following order of the President has been received from the War Department:

WASHINGTON, *June 2, 1868.*

The President with deep regret announces to the people of the United States the decease, at Wheatland, Pa., on the 1st instant, of his honored predecessor James Buchanan.

This event will occasion mourning in the nation for the loss of an eminent citizen and honored public servant.

As a mark of respect for his memory, it is ordered that the Executive Departments be immediately placed in mourning and all business be suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious dead.

ANDREW JOHNSON.

II. In compliance with the instructions of the President and of the Secretary of War, on the day after the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards, at intervals of thirty minutes between the rising and setting sun, a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, June 3, 1868.

The death of ex-President James Buchanan is announced in the following order of the President of the United States:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that thirty minute guns be fired at each of the navy-yards and naval stations on Thursday, the 4th instant, the day designated for the funeral of the late ex-President Buchanan, commencing at noon, and on board the flagships in each squadron upon the day after the receipt of this order. The flags at the several navy-yards, naval stations, and marine barracks will be placed at half-mast until after the funeral, and on board all naval vessels in commission upon the day after this order is received.

GIDEON WELLES, *Secretary of the Navy.*

GENERAL ORDERS, No. 33.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1868.

By direction of the President of the United States, the following orders are made:

I. Brevet Major-General Irvin McDowell is relieved from the command of the Fourth Military District, and will report in person, without delay, at the War Department.

II. Brevet Major-General Alvan C. Gillem is assigned to the command of the Fourth Military District, and will assume it without delay.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 44.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 13, 1868.

By direction of the President, Brigadier and Brevet Major-General Irvin McDowell is assigned to the command of the Department of the East.

The headquarters of the department will be transferred from Philadelphia to New York City.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 28, 1868.

The following orders from the War Department, which have been approved by the President, are published for the information and government of the Army and of all concerned:

The commanding generals of the Second, Third, Fourth, and Fifth Military Districts having officially reported that the States of Arkansas, North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida have fully complied with the acts of Congress known as the reconstruction acts, including the act passed June 22, 1868, entitled "An act to admit the State of Arkansas to representation in Congress," and the act passed June 25, 1868, entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," and that, consequently, so much of the act of March 2, 1867, and the acts supplementary thereto as provides for the organization of military districts, subject to the military authority of the United States, as therein provided, has become inoperative in said States, and that the commanding generals have ceased to exercise in said States the military powers conferred by said acts of Congress: Therefore the following changes will be made in the organization and command of military districts and geographical departments:

I. The Second and Third Military Districts having ceased to exist, the States of North Carolina, South Carolina, Georgia, Alabama, and Florida will constitute the Department of the South, Major-General George G. Meade to command. Headquarters at Atlanta, Ga.

II. The Fourth Military District will now consist only of the State of Mississippi, and will continue to be commanded by Brevet Major-General A. C. Gillem.

III. The Fifth Military District will now consist of the State of Texas, and will be commanded by Brevet Major-General J. J. Reynolds. Headquarters at Austin, Tex.

IV. The States of Louisiana and Arkansas will constitute the Department of Louisiana. Brevet Major-General L. H. Rousseau is assigned to the command. Headquarters at New Orleans, La. Until the arrival of General Rousseau at New Orleans, Brevet Major-General Buchanan will command the Department.

V. Brevet Major-General George Crook is assigned, according to his brevet of major-general, to command the Department of the Columbia, in place of Rousseau, relieved.

VI. Brevet Major-General E. R. S. Canby is reassigned to command the Department of Washington.

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By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

Under and in pursuance of the authority vested in the President of the United States by the provisions of the second section of the act of Congress approved on the 27th day of July, 1868, entitled "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes," the port of Sitka, in said Territory, is hereby constituted and established as the port of entry for the collection district of Alaska provided for by said act; and under and in pursuance of the authority vested in him by the fourth section of said act the importation and use of firearms, ammunition, and distilled spirits into and within the said Territory, or any portion thereof, except as hereinafter provided, is entirely prohibited, under the pains and penalties specified in said last-named section: *Provided, however,* That under such regulations as the Secretary of the Treasury may prescribe, in accordance with law, such articles may, in limited quantities, be shipped coastwise from United States ports on the Pacific coast to said port of Sitka, and to that port only in said Territory, on the shipper giving bonds to the collector of customs at the port of shipment, conditioned that such articles will on their arrival at Sitka be delivered to the collector of customs, or the person there acting as such, to remain in his possession and under his control until sold or disposed of to such persons as the military or other chief authority in said Territory may specially designate in permits for that purpose signed by himself or a subordinate duly authorized by him.

Done at the city of Washington, this 22d day of August, A. D. 1868, and of the Independence of the United States the ninety-third.

ANDREW JOHNSON, *President.*

SPECIAL ORDERS, No. 219.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 12, 1868.

* * * * * * *

18. By direction of the President, Brevet Major-General L. H. Rousseau, brigadier-general, commanding Department of Louisiana, is hereby assigned to duty according to his brevet rank of major-general. This order to take effect when General Rousseau assumes command.

19. By direction of the President, paragraph 12 of Special Orders, No. 70, May 23, 1868, from this office, assigning Brevet Major-General R. C. Buchanan, colonel First United States Infantry, to duty according to his brevet rank of major-general, is hereby revoked, and he is hereby assigned to duty according to his brevet rank of brigadier-general, in order that he may command the District of Louisiana. This order to take effect when General Rousseau assumes command of the Department of Louisiana.

By command of General Grant:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, No. 82.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 10, 1868.

The following order has been received from the President, and by his direction is published to the Army:

The following provisions from the Constitution and laws of the United States in relation to the election of a President and Vice-President of the United States, together with an act of Congress prohibiting all persons engaged in the military and naval service from interfering in any general or special election in any State, are published for the information and government of all concerned:

[Extract from Article II, section 1, Constitution of the United States.]

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[Extract from Article XII, amendment to the Constitution of the United States.]

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State

with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

[Extract from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That * * * electors shall be appointed in each State for the election of a President and Vice-President of the United States * * * in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice-President thus to be chosen should come into office: *Provided always*, That where no apportionment of Representatives shall have been made after any enumeration at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

["An act to establish a uniform time for holding elections for electors of President and Vice-President in all the States of the Union," approved January 23, 1845.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the electors of President and Vice-President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed: *Provided*, That each State may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote: *And provided also*, When any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall by law provide.

[Extracts from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 2. *And be it further enacted*, That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the legislature thereof; and the electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice-President is contained therein, and shall, by writing under their hands or under the hands of a majority of them, appoint a person to take charge of and deliver to the President

of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. 3. *And be it further enacted*, That the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted*, That if a list of votes from any State shall not have been received at the seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of Government.

SEC. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, 1793, and on the second Wednesday in February succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared agreeably to the Constitution.

SEC. 6. *And be it further enacted*, That in case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the list of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be to the President of the Senate.

* * * * * * *

SEC. 8. *And be it further enacted*, That if any person appointed to deliver the votes of the electors to the President of the Senate shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of $1,000.

[Extract from "An act making compensation to the persons appointed by the electors to deliver the votes for President and Vice-President," approved February 11, 1825.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the person appointed by the electors to deliver to the President of the Senate a list of the votes for President and Vice-President shall be allowed, on delivery of said list, 25 cents for every mile of the estimated distance by the most usual route from the place of meeting of the electors to the seat of Government of the United States, going and returning.

[Extract from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 12. *And be it further enacted*, That the term of four years for which a President and Vice-President shall be elected shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given.

["An act to prevent officers of the Army and Navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States," approved February 25, 1865.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or

control any troops or armed men at the place where any general or special election is held in any State of the United States of America, unless it shall be necessary to repel the armed enemies of the United States or to keep the peace at the polls. And that it shall not be lawful for any officer of the Army or Navy of the United States to prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State of the United States of America, or in any manner to interfere with the freedom of any election in any State or with the exercise of the free right of suffrage in any State of the United States. Any officer of the Army or Navy of the United States, or other person engaged in the civil, military, or naval service of the United States, who violates this section of this act shall for every such offense be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding $5,000 and suffer imprisonment in the penitentiary not less than three months nor more than five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States: *Provided*, That nothing herein contained shall be so construed as to prevent any officers, soldiers, sailors, or marines from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he shall offer to vote.

SEC. 2. *And be it further enacted*, That any officer or person in the military or naval service of the United States who shall order or advise, or who shall, directly or indirectly, by force, threat, menace, intimidation, or otherwise, prevent or attempt to prevent any qualified voter of any State of the United States of America from freely exercising the right of suffrage at any general or special election in any State of the United States, or who shall in like manner compel or attempt to compel any officer of an election in any such State to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such election different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offense be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine of not exceeding $5,000 and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, November 4, 1868.

By direction of the President, Brevet Major-General E. R. S. Canby is hereby assigned to the command of the Fifth Military District, created by the act of Congress of March 2, 1867, and of the Military Department of Texas, consisting of the State of Texas. He will, without unnecessary delay, turn over his present command to the next officer in rank and proceed to the command to which he is hereby assigned, and on assuming the same will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district

commanders and any and all authority pertaining to officers in command of military departments.

Brevet Major-General J. J. Reynolds is hereby relieved from the command of the Fifth Military District.

J. M. SCHOFIELD,
Secretary of War.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 9, 1868.*

Fellow-Citizens of the Senate and House of Representatives:

Upon the reassembling of Congress it again becomes my duty to call your attention to the state of the Union and to its continued disorganized condition under the various laws which have been passed upon the subject of reconstruction.

It may be safely assumed as an axiom in the government of states that the greatest wrongs inflicted upon a people are caused by unjust and arbitrary legislation, or by the unrelenting decrees of despotic rulers, and that the timely revocation of injurious and oppressive measures is the greatest good that can be conferred upon a nation. The legislator or ruler who has the wisdom and magnanimity to retrace his steps when convinced of error will sooner or later be rewarded with the respect and gratitude of an intelligent and patriotic people.

Our own history, although embracing a period less than a century, affords abundant proof that most, if not all, of our domestic troubles are directly traceable to violations of the organic law and excessive legislation. The most striking illustrations of this fact are furnished by the enactments of the past three years upon the question of reconstruction. After a fair trial they have substantially failed and proved pernicious in their results, and there seems to be no good reason why they should longer remain upon the statute book. States to which the Constitution guarantees a republican form of government have been reduced to military dependencies, in each of which the people have been made subject to the arbitrary will of the commanding general. Although the Constitution requires that each State shall be represented in Congress, Virginia, Mississippi, and Texas are yet excluded from the two Houses, and, contrary to the express provisions of that instrument, were denied participation in the recent election for a President and Vice-President of the United States. The attempt to place the white population under the domination of persons of color in the South has impaired, if not destroyed, the kindly relations that had previously existed between them; and mutual distrust has engendered a feeling of animosity which, leading in some instances to collision and bloodshed, has prevented that cooperation between the two

races so essential to the success of industrial enterprise in the Southern States. Nor have the inhabitants of those States alone suffered from the disturbed condition of affairs growing out of these Congressional enactments. The entire Union has been agitated by grave apprehensions of troubles which might again involve the peace of the nation; its interests have been injuriously affected by the derangement of business and labor, and the consequent want of prosperity throughout that portion of the country.

The Federal Constitution—the *magna charta* of American rights, under whose wise and salutary provisions we have successfully conducted all our domestic and foreign affairs, sustained ourselves in peace and in war, and become a great nation among the powers of the earth—must assuredly be now adequate to the settlement of questions growing out of the civil war, waged alone for its vindication. This great fact is made most manifest by the condition of the country when Congress assembled in the month of December, 1865. Civil strife had ceased, the spirit of rebellion had spent its entire force, in the Southern States the people had warmed into national life, and throughout the whole country a healthy reaction in public sentiment had taken place. By the application of the simple yet effective provisions of the Constitution the executive department, with the voluntary aid of the States, had brought the work of restoration as near completion as was within the scope of its authority, and the nation was encouraged by the prospect of an early and satisfactory adjustment of all its difficulties. Congress, however, intervened, and, refusing to perfect the work so nearly consummated, declined to admit members from the unrepresented States, adopted a series of measures which arrested the progress of restoration, frustrated all that had been so successfully accomplished, and, after three years of agitation and strife, has left the country further from the attainment of union and fraternal feeling than at the inception of the Congressional plan of reconstruction. It needs no argument to show that legislation which has produced such baneful consequences should be abrogated, or else made to conform to the genuine principles of republican government.

Under the influence of party passion and sectional prejudice, other acts have been passed not warranted by the Constitution. Congress has already been made familiar with my views respecting the "tenure-of-office bill." Experience has proved that its repeal is demanded by the best interests of the country, and that while it remains in force the President can not enjoin that rigid accountability of public officers so essential to an honest and efficient execution of the laws. Its revocation would enable the executive department to exercise the power of appointment and removal in accordance with the original design of the Federal Constitution.

The act of March 2, 1867, making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, contains

provisions which interfere with the President's constitutional functions as Commander in Chief of the Army and deny to States of the Union the right to protect themselves by means of their own militia. These provisions should be at once annulled; for while the first might, in times of great emergency, seriously embarrass the Executive in efforts to employ and direct the common strength of the nation for its protection and preservation, the other is contrary to the express declaration of the Constitution that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

It is believed that the repeal of all such laws would be accepted by the American people as at least a partial return to the fundamental principles of the Government, and an indication that hereafter the Constitution is to be made the nation's safe and unerring guide. They can be productive of no permanent benefit to the country, and should not be permitted to stand as so many monuments of the deficient wisdom which has characterized our recent legislation.

The condition of our finances demands the early and earnest consideration of Congress. Compared with the growth of our population, the public expenditures have reached an amount unprecedented in our history.

The population of the United States in 1790 was nearly 4,000,000 people. Increasing each decade about 33 per cent, it reached in 1860 31,000,000, an increase of 700 per cent on the population in 1790. In 1869 it is estimated that it will reach 38,000,000, or an increase of 868 per cent in seventy-nine years.

The annual expenditures of the Federal Government in 1791 were $4,200,000; in 1820, $18,200,000; in 1850, forty-one millions; in 1860, sixty-three millions; in 1865, nearly thirteen hundred millions; and in 1869 it is estimated by the Secretary of the Treasury, in his last annual report, that they will be three hundred and seventy-two millions.

By comparing the public disbursements of 1869, as estimated, with those of 1791, it will be seen that the increase of expenditure since the beginning of the Government has been 8,618 per cent, while the increase of the population for the same period was only 868 per cent. Again, the expenses of the Government in 1860, the year of peace immediately preceding the war, were only sixty-three millions, while in 1869, the year of peace three years after the war, it is estimated they will be three hundred and seventy-two millions, an increase of 489 per cent, while the increase of population was only 21 per cent for the same period.

These statistics further show that in 1791 the annual national expenses, compared with the population, were little more than $1 per capita, and in 1860 but $2 per capita; while in 1869 they will reach the extravagant sum of $9.78 per capita.

It will be observed that all these statements refer to and exhibit the disbursements of peace periods. It may, therefore, be of interest to com-

pare the expenditures of the three war periods—the war with Great Britain, the Mexican War, and the War of the Rebellion.

In 1814 the annual expenses incident to the War of 1812 reached their highest amount—about thirty-one millions—while our population slightly exceeded 8,000,000, showing an expenditure of only $3.80 per capita. In 1847 the expenditures growing out of the war with Mexico reached fifty-five millions, and the population about 21,000,000, giving only $2.60 per capita for the war expenses of that year. In 1865 the expenditures called for by the rebellion reached the vast amount of twelve hundred and ninety millions, which, compared with a population of 34,000,000, gives $38.20 per capita.

From the 4th day of March, 1789, to the 30th of June, 1861, the entire expenditures of the Government were $1,700,000,000. During that period we were engaged in wars with Great Britain and Mexico, and were involved in hostilities with powerful Indian tribes; Louisiana was purchased from France at a cost of $15,000,000; Florida was ceded to us by Spain for five millions; California was acquired from Mexico for fifteen millions, and the territory of New Mexico was obtained from Texas for the sum of ten millions. Early in 1861 the War of the Rebellion commenced; and from the 1st of July of that year to the 30th of June, 1865, the public expenditures reached the enormous aggregate of thirty-three hundred millions. Three years of peace have intervened, and during that time the disbursements of the Government have successively been five hundred and twenty millions, three hundred and forty-six millions, and three hundred and ninety-three millions. Adding to these amounts three hundred and seventy-two millions, estimated as necessary for the fiscal year ending the 30th of June, 1869, we obtain a total expenditure of $1,600,000,000 during the four years immediately succeeding the war, or nearly as much as was expended during the seventy-two years that preceded the rebellion and embraced the extraordinary expenditures already named.

These startling facts clearly illustrate the necessity of retrenchment in all branches of the public service. Abuses which were tolerated during the war for the preservation of the nation will not be endured by the people, now that profound peace prevails. The receipts from internal revenues and customs have during the past three years gradually diminished, and the continuance of useless and extravagant expenditures will involve us in national bankruptcy, or else make inevitable an increase of taxes, already too onerous and in many respects obnoxious on account of their inquisitorial character. One hundred millions annually are expended for the military force, a large portion of which is employed in the execution of laws both unnecessary and unconstitutional; one hundred and fifty millions are required each year to pay the interest on the public debt; an army of taxgatherers impoverishes the nation, and public agents, placed by Congress beyond the control of the Executive, divert from their

legitimate purposes large sums of money which they collect from the people in the name of the Government. Judicious legislation and prudent economy can alone remedy defects and avert evils which, if suffered to exist, can not fail to diminish confidence in the public councils and weaken the attachment and respect of the people toward their political institutions. Without proper care the small balance which it is estimated will remain in the Treasury at the close of the present fiscal year will not be realized, and additional millions be added to a debt which is now enumerated by billions.

It is shown by the able and comprehensive report of the Secretary of the Treasury that the receipts for the fiscal year ending June 30, 1868, were $405,638,083, and that the expenditures for the same period were $377,340,284, leaving in the Treasury a surplus of $28,297,798. It is estimated that the receipts during the present fiscal year, ending June 30, 1869, will be $341,392,868 and the expenditures $336,152,470, showing a small balance of $5,240,398 in favor of the Government. For the fiscal year ending June 30, 1870, it is estimated that the receipts will amount to $327,000,000 and the expenditures to $303,000,000, leaving an estimated surplus of $24,000,000.

It becomes proper in this connection to make a brief reference to our public indebtedness, which has accumulated with such alarming rapidity and assumed such colossal proportions.

In 1789, when the Government commenced operations under the Federal Constitution, it was burdened with an indebtedness of $75,000,000, created during the War of the Revolution. This amount had been reduced to $45,000,000 when, in 1812, war was declared against Great Britain. The three years' struggle that followed largely increased the national obligations, and in 1816 they had attained the sum of $127,000,000. Wise and economical legislation, however, enabled the Government to pay the entire amount within a period of twenty years, and the extinguishment of the national debt filled the land with rejoicing and was one of the great events of President Jackson's Administration. After its redemption a large fund remained in the Treasury, which was deposited for safe-keeping with the several States, on condition that it should be returned when required by the public wants. In 1849—the year after the termination of an expensive war with Mexico—we found ourselves involved in a debt of $64,000,000; and this was the amount owed by the Government in 1860, just prior to the outbreak of the rebellion. In the spring of 1861 our civil war commenced. Each year of its continuance made an enormous addition to the debt; and when, in the spring of 1865, the nation successfully emerged from the conflict, the obligations of the Government had reached the immense sum of $2,873,992,909. The Secretary of the Treasury shows that on the 1st day of November, 1867, this amount had been reduced to $2,491,504,450; but at the same time his report exhibits an increase during the past year of $35,625,102.

for the debt on the 1st day of November last is stated to have been $2,527,129,552. It is estimated by the Secretary that the returns for the past month will add to our liabilities the further sum of $11,000,000, making a total increase during thirteen months of $46,500,000.

In my message to Congress December 4, 1865, it was suggested that a policy should be devised which, without being oppressive to the people, would at once begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definite number of years. The Secretary of the Treasury forcibly recommends legislation of this character, and justly urges that the longer it is deferred the more difficult must become its accomplishment. We should follow the wise precedents established in 1789 and 1816, and without further delay make provision for the payment of our obligations at as early a period as may be practicable. The fruits of their labors should be enjoyed by our citizens rather than used to build up and sustain moneyed monopolies in our own and other lands. Our foreign debt is already computed by the Secretary of the Treasury at $850,000,000; citizens of foreign countries receive interest upon a large portion of our securities, and American taxpayers are made to contribute large sums for their support. The idea that such a debt is to become permanent should be at all times discarded as involving taxation too heavy to be borne, and payment once in every sixteen years, at the present rate of interest, of an amount equal to the original sum. This vast debt, if permitted to become permanent and increasing, must eventually be gathered into the hands of a few, and enable them to exert a dangerous and controlling power in the affairs of the Government. The borrowers would become servants to the lenders, the lenders the masters of the people. We now pride ourselves upon having given freedom to 4,000,000 of the colored race; it will then be our shame that 40,000,000 of people, by their own toleration of usurpation and profligacy, have suffered themselves to become enslaved, and merely exchanged slave owners for new taskmasters in the shape of bondholders and taxgatherers. Besides, permanent debts pertain to monarchical governments, and, tending to monopolies, perpetuities, and class legislation, are totally irreconcilable with free institutions. Introduced into our republican system, they would gradually but surely sap its foundations, eventually subvert our governmental fabric, and erect upon its ruins a moneyed aristocracy. It is our sacred duty to transmit unimpaired to our posterity the blessings of liberty which were bequeathed to us by the founders of the Republic, and by our example teach those who are to follow us carefully to avoid the dangers which threaten a free and independent people.

Various plans have been proposed for the payment of the public debt. However they may have varied as to the time and mode in which it should be redeemed, there seems to be a general concurrence as to the propriety and justness of a reduction in the present rate of interest. The

Secretary of the Treasury in his report recommends 5 per cent; Congress, in a bill passed prior to adjournment on the 27th of July last, agreed upon 4 and 4½ per cent; while by many 3 per cent has been held to be an amply sufficient return for the investment. The general impression as to the exorbitancy of the existing rate of interest has led to an inquiry in the public mind respecting the consideration which the Government has actually received for its bonds, and the conclusion is becoming prevalent that the amount which it obtained was in real money three or four hundred per cent less than the obligations which it issued in return. It can not be denied that we are paying an extravagant percentage for the use of the money borrowed, which was paper currency, greatly depreciated below the value of coin. This fact is made apparent when we consider that bondholders receive from the Treasury upon each dollar they own in Government securities 6 per cent in gold, which is nearly or quite equal to 9 per cent in currency; that the bonds are then converted into capital for the national banks, upon which those institutions issue their circulation, bearing 6 per cent interest; and that they are exempt from taxation by the Government and the States, and thereby enhanced 2 per cent in the hands of the holders. We thus have an aggregate of 17 per cent which may be received upon each dollar by the owners of Government securities. A system that produces such results is justly regarded as favoring a few at the expense of the many, and has led to the further inquiry whether our bondholders, in view of the large profits which they have enjoyed, would themselves be averse to a settlement of our indebtedness upon a plan which would yield them a fair remuneration and at the same time be just to the taxpayers of the nation. Our national credit should be sacredly observed, but in making provision for our creditors we should not forget what is due to the masses of the people. It may be assumed that the holders of our securities have already received upon their bonds a larger amount than their original investment, measured by a gold standard. Upon this statement of facts it would seem but just and equitable that the 6 per cent interest now paid by the Government should be applied to the reduction of the principal in semi-annual installments, which in sixteen years and eight months would liquidate the entire national debt. Six per cent in gold would at present rates be equal to 9 per cent in currency, and equivalent to the payment of the debt one and a half times in a fraction less than seventeen years. This, in connection with all the other advantages derived from their investment, would afford to the public creditors a fair and liberal compensation for the use of their capital, and with this they should be satisfied. The lessons of the past admonish the lender that it is not well to be overanxious in exacting from the borrower rigid compliance with the letter of the bond.

If provision be made for the payment of the indebtedness of the Government in the manner suggested, our nation will rapidly recover its wonted

prosperity. Its interests require that some measure should be taken to release the large amount of capital invested in the securities of the Government. It is not now merely unproductive, but in taxation annually consumes $150,000,000, which would otherwise be used by our enterprising people in adding to the wealth of the nation. Our commerce, which at one time successfully rivaled that of the great maritime powers, has rapidly diminished, and our industrial interests are in a depressed and languishing condition. The development of our inexhaustible resources is checked, and the fertile fields of the South are becoming waste for want of means to till them. With the release of capital, new life would be infused into the paralyzed energies of our people and activity and vigor imparted to every branch of industry. Our people need encouragement in their efforts to recover from the effects of the rebellion and of injudicious legislation, and it should be the aim of the Government to stimulate them by the prospect of an early release from the burdens which impede their prosperity. If we can not take the burdens from their shoulders, we should at least manifest a willingness to help to bear them.

In referring to the condition of the circulating medium, I shall merely reiterate substantially that portion of my last annual message which relates to that subject.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and, indeed, currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than $200,000,000; now the circulation of national-bank notes and those known as "legal-tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues when compared with a metallic or convertible currency. For this purpose let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter; showing that when our paper currency is compared with gold and silver its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holders of its notes and those of the national banks to

convert them, without loss, into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent their present specie value in the hands of their holders would be enhanced 100 per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils which they themselves had experienced. Hence in providing a circulating medium they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal tender, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all Government dues, excepting imposts; and, third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semiannually receive their interest in coin from the National Treasury. There is no reason which will be accepted as satisfactory by the people why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various departments of the Government; the farmer who supplies the soldiers of the Army and the sailors of the Navy; the artisan who toils in the nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution, and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and widespread and imperil the national credit.

The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The aggregate product of precious metals in the United States from 1849 to 1867 amounted to $1,174,000,000, while for the same period the net exports of specie were $741,000,000. This shows an excess of product over net exports of $433,000,000. There are in the Treasury $103,407,985 in coin; in circulation in the States on the Pacific Coast about $40,000,000, and a few millions in the national and other banks—in all less than $160,000,000. Taking into consideration the specie in the country prior to 1849 and that produced since 1867, and we have more than $300,000,000 not accounted for by exportation or by returns of the Treasury, and therefore most probably remaining in the country.

These are important facts, and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of gold and silver to the avenues of trade may be invited and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the Government and banks, by continuing to issue irredeemable notes, fill the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints since 1849 of $874,000,000, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the nation the care and expense incident to such establishments, and let our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments. Let specie payments once be earnestly inaugurated by the Government and banks, and the value of the paper circulation would directly approximate a specie standard.

Specie payments having been resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than $20 should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

Every man of property or industry, every man who desires to preserve what he honestly possesses or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.

It has been asserted by one of our profound and most gifted statesmen that—

Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by government.

It is one of the most successful devices, in times of peace or war, of expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of depreciated and worthless paper.

The Secretary of the Interior in his report gives valuable information in reference to the interests confided to the supervision of his Department, and reviews the operations of the Land Office, Pension Office, Patent Office, and Indian Bureau.

During the fiscal year ending June 30, 1868, 6,655,700 acres of public land were disposed of. The entire cash receipts of the General Land Office for the same period were $1,632,745, being greater by $284,883 than the amount realized from the same sources during the previous year. The entries under the homestead law cover 2,328,923 acres, nearly one-fourth of which was taken under the act of June 21, 1866, which applies only to the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

On the 30th of June, 1868, 169,643 names were borne on the pension rolls, and during the year ending on that day the total amount paid for pensions, including the expenses of disbursement, was $24,010,982, being $5,391,025 greater than that expended for like purposes during the preceding year.

During the year ending the 30th of September last the expenses of the

Patent Office exceeded the receipts by $171, and, including reissues and designs, 14,153 patents were issued.

Treaties with various Indian tribes have been concluded, and will be submitted to the Senate for its constitutional action. I cordially sanction the stipulations which provide for reserving lands for the various tribes, where they may be encouraged to abandon their nomadic habits and engage in agricultural and industrial pursuits. This policy, inaugurated many years since, has met with signal success whenever it has been pursued in good faith and with becoming liberality by the United States. The necessity for extending it as far as practicable in our relations with the aboriginal population is greater now than at any preceding period. Whilst we furnish subsistence and instruction to the Indians and guarantee the undisturbed enjoyment of their treaty rights, we should habitually insist upon the faithful observance of their agreement to remain within their respective reservations. This is the only mode by which collisions with other tribes and with the whites can be avoided and the safety of our frontier settlements secured.

The companies constructing the railway from Omaha to Sacramento have been most energetically engaged in prosecuting the work, and it is believed that the line will be completed before the expiration of the next fiscal year. The 6 per cent bonds issued to these companies amounted on the 5th instant to $44,337,000, and additional work had been performed to the extent of $3,200,000.

The Secretary of the Interior in August last invited my attention to the report of a Government director of the Union Pacific Railroad Company who had been specially instructed to examine the location, construction, and equipment of their road. I submitted for the opinion of the Attorney-General certain questions in regard to the authority of the Executive which arose upon this report and those which had from time to time been presented by the commissioners appointed to inspect each successive section of the work. After carefully considering the law of the case, he affirmed the right of the Executive to order, if necessary, a thorough revision of the entire road. Commissioners were thereupon appointed to examine this and other lines, and have recently submitted a statement of their investigations, of which the report of the Secretary of the Interior furnishes specific information.

The report of the Secretary of War contains information of interest and importance respecting the several bureaus of the War Department and the operations of the Army. The strength of our military force on the 30th of September last was 48,000 men, and it is computed that by the 1st of January next this number will be decreased to 43,000. It is the opinion of the Secretary of War that within the next year a considerable diminution of the infantry force may be made without detriment to the interests of the country; and in view of the great expense attending the military

peace establishment and the absolute necessity of retrenchment wherever it can be applied, it is hoped that Congress will sanction the reduction which his report recommends. While in 1860 sixteen thousand three hundred men cost the nation $16,472,000, the sum of $65,682,000 is estimated as necessary for the support of the Army during the fiscal year ending June 30, 1870. The estimates of the War Department for the last two fiscal years were, for 1867, $33,814,461, and for 1868 $25,205,669. The actual expenditures during the same periods were, respectively, $95,224,415 and $123,246,648. The estimate submitted in December last for the fiscal year ending June 30, 1869, was $77,124,707; the expenditures for the first quarter, ending the 30th of September last, were $27,219,117, and the Secretary of the Treasury gives $66,000,000 as the amount which will probably be required during the remaining three quarters, if there should be no reduction of the Army—making its aggregate cost for the year considerably in excess of ninety-three millions. The difference between the estimates and expenditures for the three fiscal years which have been named is thus shown to be $175,545,343 for this single branch of the public service.

The report of the Secretary of the Navy exhibits the operations of that Department and of the Navy during the year. A considerable reduction of the force has been effected. There are 42 vessels, carrying 411 guns, in the six squadrons which are established in different parts of the world. Three of these vessels are returning to the United States and 4 are used as storeships, leaving the actual cruising force 35 vessels, carrying 356 guns. The total number of vessels in the Navy is 206, mounting 1,743 guns. Eighty-one vessels of every description are in use, armed with 696 guns. The number of enlisted men in the service, including apprentices, has been reduced to 8,500. An increase of navy-yard facilities is recommended as a measure which will in the event of war be promotive of economy and security. A more thorough and systematic survey of the North Pacific Ocean is advised in view of our recent acquisitions, our expanding commerce, and the increasing intercourse between the Pacific States and Asia. The naval pension fund, which consists of a moiety of the avails of prizes captured during the war, amounts to $14,000,000. Exception is taken to the act of 23d July last, which reduces the interest on the fund loaned to the Government by the Secretary, as trustee, to 3 per cent instead of 6 per cent, which was originally stipulated when the investment was made. An amendment of the pension laws is suggested to remedy omissions and defects in existing enactments. The expenditures of the Department during the last fiscal year were $20,120,394, and the estimates for the coming year amount to $20,993,414.

The Postmaster-General's report furnishes a full and clear exhibit of the operations and condition of the postal service. The ordinary postal revenue for the fiscal year ending June 30, 1868, was $16,292,600, and the total expenditures, embracing all the service for which special

appropriations have been made by Congress, amounted to $22,730,592, showing an excess of expenditures of $6,437,991. Deducting from the expenditures the sum of $1,896,525, the amount of appropriations for ocean-steamship and other special service, the excess of expenditures was $4,541,466. By using an unexpended balance in the Treasury of $3,800,000 the actual sum for which a special appropriation is required to meet the deficiency is $741,466. The causes which produced this large excess of expenditure over revenue were the restoration of service in the late insurgent States and the putting into operation of new service established by acts of Congress, which amounted within the last two years and a half to about 48,700 miles—equal to more than one-third of the whole amount of the service at the close of the war. New postal conventions with Great Britain, North Germany, Belgium, the Netherlands, Switzerland, and Italy, respectively, have been carried into effect. Under their provisions important improvements have resulted in reduced rates of international postage and enlarged mail facilities with European countries. The cost of the United States transatlantic ocean mail service since January 1, 1868, has been largely lessened under the operation of these new conventions, a reduction of over one-half having been effected under the new arrangements for ocean mail steamship service which went into effect on that date. The attention of Congress is invited to the practical suggestions and recommendations made in his report by the Postmaster-General.

No important question has occurred during the last year in our accustomed cordial and friendly intercourse with Costa Rica, Guatemala, Honduras, San Salvador, France, Austria, Belgium, Switzerland, Portugal, the Netherlands, Denmark, Sweden and Norway, Rome, Greece, Turkey, Persia, Egypt, Liberia, Morocco, Tripoli, Tunis, Muscat, Siam, Borneo, and Madagascar.

Cordial relations have also been maintained with the Argentine and the Oriental Republics. The expressed wish of Congress that our national good offices might be tendered to those Republics, and also to Brazil and Paraguay, for bringing to an end the calamitous war which has so long been raging in the valley of the La Plata, has been assiduously complied with and kindly acknowledged by all the belligerents. That important negotiation, however, has thus far been without result.

Charles A. Washburn, late United States minister to Paraguay, having resigned, and being desirous to return to the United States, the rear-admiral commanding the South Atlantic Squadron was early directed to send a ship of war to Asuncion, the capital of Paraguay, to receive Mr. Washburn and his family and remove them from a situation which was represented to be endangered by faction and foreign war. The Brazilian commander of the allied invading forces refused permission to the *Wasp* to pass through the blockading forces, and that vessel returned to its accustomed anchorage. Remonstrance having been made against this

refusal, it was promptly overruled, and the *Wasp* therefore resumed her errand, received Mr. Washburn and his family, and conveyed them to a safe and convenient seaport. In the meantime an excited controversy had arisen between the President of Paraguay and the late United States minister, which, it is understood, grew out of his proceedings in giving asylum in the United States legation to alleged enemies of that Republic. The question of the right to give asylum is one always difficult and often productive of great embarrassment. In states well organized and established, foreign powers refuse either to concede or exercise that right, except as to persons actually belonging to the diplomatic service. On the other hand, all such powers insist upon exercising the right of asylum in states where the law of nations is not fully acknowledged, respected, and obeyed.

The President of Paraguay is understood to have opposed to Mr. Washburn's proceedings the injurious and very improbable charge of personal complicity in insurrection and treason. The correspondence, however, has not yet reached the United States.

Mr. Washburn, in connection with this controversy, represents that two United States citizens attached to the legation were arbitrarily seized at his side, when leaving the capital of Paraguay, committed to prison, and there subjected to torture for the purpose of procuring confessions of their own criminality and testimony to support the President's allegation against the United States minister. Mr. McMahon, the newly appointed minister to Paraguay, having reached the La Plata, has been instructed to proceed without delay to Asuncion, there to investigate the whole subject. The rear-admiral commanding the United States South Atlantic Squadron has been directed to attend the new minister with a proper naval force to sustain such just demands as the occasion may require, and to vindicate the rights of the United States citizens referred to and of any others who may be exposed to danger in the theater of war. With these exceptions, friendly relations have been maintained between the United States and Brazil and Paraguay.

Our relations during the past year with Bolivia, Ecuador, Peru, and Chile have become especially friendly and cordial. Spain and the Republics of Peru, Bolivia, and Ecuador have expressed their willingness to accept the mediation of the United States for terminating the war upon the South Pacific coast. Chile has not finally declared upon the question. In the meantime the conflict has practically exhausted itself, since no belligerent or hostile movement has been made by either party during the last two years, and there are no indications of a present purpose to resume hostilities on either side. Great Britain and France have cordially seconded our proposition of mediation, and I do not forego the hope that it may soon be accepted by all the belligerents and lead to a secure establishment of peace and friendly relations between the Spanish American Republics of the Pacific and Spain—a result which would be attended

with common benefits to the belligerents and much advantage to all commercial nations. I communicate, for the consideration of Congress, a correspondence which shows that the Bolivian Republic has established the extremely liberal principle of receiving into its citizenship any citizen of the United States, or of any other of the American Republics, upon the simple condition of voluntary registry.

The correspondence herewith submitted will be found painfully replete with accounts of the ruin and wretchedness produced by recent earthquakes, of unparalleled severity, in the Republics of Peru, Ecuador, and Bolivia. The diplomatic agents and naval officers of the United States who were present in those countries at the time of those disasters furnished all the relief in their power to the sufferers, and were promptly rewarded with grateful and touching acknowledgments by the Congress of Peru. An appeal to the charity of our fellow-citizens has been answered by much liberality. In this connection I submit an appeal which has been made by the Swiss Republic, whose Government and institutions are kindred to our own, in behalf of its inhabitants, who are suffering extreme destitution, produced by recent devastating inundations.

Our relations with Mexico during the year have been marked by an increasing growth of mutual confidence. The Mexican Government has not yet acted upon the three treaties celebrated here last summer for establishing the rights of naturalized citizens upon a liberal and just basis, for regulating consular powers, and for the adjustment of mutual claims.

All commercial nations, as well as all friends of republican institutions, have occasion to regret the frequent local disturbances which occur in some of the constituent States of Colombia. Nothing has occurred, however, to affect the harmony and cordial friendship which have for several years existed between that youthful and vigorous Republic and our own.

Negotiations are pending with a view to the survey and construction of a ship canal across the Isthmus of Darien, under the auspices of the United States. I hope to be able to submit the results of that negotiation to the Senate during its present session.

The very liberal treaty which was entered into last year by the United States and Nicaragua has been ratified by the latter Republic.

Costa Rica, with the earnestness of a sincerely friendly neighbor, solicits a reciprocity of trade, which I commend to the consideration of Congress.

The convention created by treaty between the United States and Venezuela in July, 1865, for the mutual adjustment of claims, has been held, and its decisions have been received at the Department of State. The heretofore-recognized Government of the United States of Venezuela has been subverted. A provisional government having been instituted under circumstances which promise durability, it has been formally recognized.

I have been reluctantly obliged to ask explanation and satisfaction for national injuries committed by the President of Hayti. The political

and social condition of the Republics of Hayti and St. Domingo is very unsatisfactory and painful. The abolition of slavery, which has been carried into effect throughout the island of St. Domingo and the entire West Indies, except the Spanish islands of Cuba and Porto Rico, has been followed by a profound popular conviction of the rightfulness of republican institutions and an intense desire to secure them. The attempt, however, to establish republics there encounters many obstacles, most of which may be supposed to result from long-indulged habits of colonial supineness and dependence upon European monarchical powers. While the United States have on all occasions professed a decided unwillingness that any part of this continent or of its adjacent islands shall be made a theater for a new establishment of monarchical power, too little has been done by us, on the other hand, to attach the communities by which we are surrounded to our own country, or to lend even a moral support to the efforts they are so resolutely and so constantly making to secure republican institutions for themselves. It is indeed a question of grave consideration whether our recent and present example is not calculated to check the growth and expansion of free principles, and make those communities distrust, if not dread, a government which at will consigns to military domination States that are integral parts of our Federal Union, and, while ready to resist any attempts by other nations to extend to this hemisphere the monarchical institutions of Europe, assumes to establish over a large portion of its people a rule more absolute, harsh, and tyrannical than any known to civilized powers.

The acquisition of Alaska was made with the view of extending national jurisdiction and republican principles in the American hemisphere. Believing that a further step could be taken in the same direction, I last year entered into a treaty with the King of Denmark for the purchase of the islands of St. Thomas and St. John, on the best terms then attainable, and with the express consent of the people of those islands. This treaty still remains under consideration in the Senate. A new convention has been entered into with Denmark, enlarging the time fixed for final ratification of the original treaty.

Comprehensive national policy would seem to sanction the acquisition and incorporation into our Federal Union of the several adjacent continental and insular communities as speedily as it can be done peacefully, lawfully, and without any violation of national justice, faith, or honor. Foreign possession or control of those communities has hitherto hindered the growth and impaired the influence of the United States. Chronic revolution and anarchy there would be equally injurious. Each one of them, when firmly established as an independent republic, or when incorporated into the United States, would be a new source of strength and power. Conforming my Administration to these principles, I have on no occasion lent support or toleration to unlawful expeditions set on foot upon the plea of republican propagandism or of national extension or

aggrandizement. The necessity, however, of repressing such unlawful movements clearly indicates the duty which rests upon us of adapting our legislative action to the new circumstances of a decline of European monarchical power and influence and the increase of American republican ideas, interests, and sympathies.

It can not be long before it will become necessary for this Government to lend some effective aid to the solution of the political and social problems which are continually kept before the world by the two Republics of the island of St. Domingo, and which are now disclosing themselves more distinctly than heretofore in the island of Cuba. The subject is commended to your consideration with all the more earnestness because I am satisfied that the time has arrived when even so direct a proceeding as a proposition for an annexation of the two Republics of the island of St. Domingo would not only receive the consent of the people interested, but would also give satisfaction to all other foreign nations.

I am aware that upon the question of further extending our possessions it is apprehended by some that our political system can not successfully be applied to an area more extended than our continent; but the conviction is rapidly gaining ground in the American mind that with the increased facilities for intercommunication between all portions of the earth the principles of free government, as embraced in our Constitution, if faithfully maintained and carried out, would prove of sufficient strength and breadth to comprehend within their sphere and influence the civilized nations of the world.

The attention of the Senate and of Congress is again respectfully invited to the treaty for the establishment of commercial reciprocity with the Hawaiian Kingdom entered into last year, and already ratified by that Government. The attitude of the United States toward these islands is not very different from that in which they stand toward the West Indies. It is known and felt by the Hawaiian Government and people that their Government and institutions are feeble and precarious; that the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign control. Their prosperity is continually disturbed by expectations and alarms of unfriendly political proceedings, as well from the United States as from other foreign powers. A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.

The Emperor of Russia has acceded to the treaty negotiated here in January last for the security of trade-marks in the interest of manufacturers and commerce. I have invited his attention to the importance of establishing, now while it seems easy and practicable, a fair and equal regulation of the vast fisheries belonging to the two nations in the waters of the North Pacific Ocean.

The two treaties between the United States and Italy for the regulation of consular powers and the extradition of criminals, negotiated and ratified here during the last session of Congress, have been accepted and confirmed by the Italian Government. A liberal consular convention which has been negotiated with Belgium will be submitted to the Senate. The very important treaties which were negotiated between the United States and North Germany and Bavaria for the regulation of the rights of naturalized citizens have been duly ratified and exchanged, and similar treaties have been entered into with the Kingdoms of Belgium and Wurtemberg and with the Grand Duchies of Baden and Hesse-Darmstadt. I hope soon to be able to submit equally satisfactory conventions of the same character now in the course of negotiation with the respective Governments of Spain, Italy, and the Ottoman Empire.

Examination of claims against the United States by the Hudsons Bay Company and the Puget Sound Agricultural Company, on account of certain possessory rights in the State of Oregon and Territory of Washington, alleged by those companies in virtue of provisions of the treaty between the United States and Great Britain of June 15, 1846, has been diligently prosecuted, under the direction of the joint international commission to which they were submitted for adjudication by treaty between the two Governments of July 1, 1863, and will, it is expected, be concluded at an early day.

No practical regulation concerning colonial trade and the fisheries can be accomplished by treaty between the United States and Great Britain until Congress shall have expressed their judgment concerning the principles involved. Three other questions, however, between the United States and Great Britain remain open for adjustment. These are the mutual rights of naturalized citizens, the boundary question involving the title to the island of San Juan, on the Pacific coast, and mutual claims arising since the year 1853 of the citizens and subjects of the two countries for injuries and depredations committed under the authority of their respective Governments. Negotiations upon these subjects are pending, and I am not without hope of being able to lay before the Senate, for its consideration during the present session, protocols calculated to bring to an end these justly exciting and long-existing controversies.

We are not advised of the action of the Chinese Government upon the liberal and auspicious treaty which was recently celebrated with its plenipotentiaries at this capital.

Japan remains a theater of civil war, marked by religious incidents and political severities peculiar to that long-isolated Empire. The Executive has hitherto maintained strict neutrality among the belligerents, and acknowledges with pleasure that it has been frankly and fully sustained in that course by the enlightened concurrence and cooperation of the other treaty powers, namely, Great Britain, France, the Netherlands, North Germany, and Italy.

Spain having recently undergone a revolution marked by extraordinary unanimity and preservation of order, the provisional government established at Madrid has been recognized, and the friendly intercourse which has so long happily existed between the two countries remains unchanged.

I renew the recommendation contained in my communication to Congress dated the 18th July last—a copy of which accompanies this message—that the judgment of the people should be taken on the propriety of so amending the Federal Constitution that it shall provide—

First. For an election of President and Vice-President by a direct vote of the people, instead of through the agency of electors, and making them ineligible for reelection to a second term.

Second. For a distinct designation of the person who shall discharge the duties of President in the event of a vacancy in that office by the death, resignation, or removal of both the President and Vice-President.

Third. For the election of Senators of the United States directly by the people of the several States, instead of by the legislatures; and

Fourth. For the limitation to a period of years of the terms of Federal judges.

Profoundly impressed with the propriety of making these important modifications in the Constitution, I respectfully submit them for the early and mature consideration of Congress. We should, as far as possible, remove all pretext for violations of the organic law, by remedying such imperfections as time and experience may develop, ever remembering that "the constitution which at any time exists until changed by an explicit and authentic act of the whole people is sacredly obligatory upon all."

In the performance of a duty imposed upon me by the Constitution, I have thus communicated to Congress information of the state of the Union and recommended for their consideration such measures as have seemed to me necessary and expedient. If carried into effect, they will hasten the accomplishment of the great and beneficent purposes for which the Constitution was ordained, and which it comprehensively states were "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." In Congress are vested all legislative powers, and upon them devolves the responsibility as well for framing unwise and excessive laws as for neglecting to devise and adopt measures absolutely demanded by the wants of the country. Let us earnestly hope that before the expiration of our respective terms of service, now rapidly drawing to a close, an all-wise Providence will so guide our counsels as to strengthen and preserve the Federal Union, inspire reverence for the Constitution, restore prosperity and happiness to our whole people, and promote "on earth peace, good will toward men."

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1868.*

To the Senate and House of Representatives:

I transmit a copy of a note of the 24th of November last addressed to the Secretary of State by the minister of Great Britain, communicating a decree of the district court of the United States for the southern district of New York ordering the payment of certain sums to the defendants in a suit against the English schooner *Sibyl*, libeled as a prize of war. It is requisite for the fulfillment of the decree that an appropriation of the sums specified therein should be made by Congress. The appropriation is recommended accordingly.

ANDREW JOHNSON.

WASHINGTON, *December 11, 1868.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 7th instant, relating to the correspondence with the American minister at London concerning the so-called *Alabama* claims, I transmit a report on the subject from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 14th December instant, I transmit the accompanying report* of the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th instant, requesting the correspondence which has taken place between the United States minister at Brazil and Rear-Admiral Davis touching the disposition of the American squadron at Rio Janeiro and the Paraguay difficulties, I transmit a report of the Secretary of State upon that subject.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, concerning recent transactions in the region of the La Plata affecting the political

*Relating to the sending of a commissioner from the United States to Spain.

relations of the United States with Paraguay, the Argentine Republic, Uruguay, and Brazil, I transmit a report of the Secretary of State, which is accompanied by a copy of the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *December 18, 1868.*

To the House of Representatives:

I herewith communicate a report of the Secretary of the Interior, in answer to a resolution adopted by the House of Representatives on the 16th instant, making inquiries in reference to the Union Pacific Railroad and requesting the transmission of the report of the special commissioners appointed to examine the construction and equipment of the road.

ANDREW JOHNSON.

WASHINGTON, *January 4, 1869.*

To the Senate of the United States:

I transmit to the Senate, in compliance with the request contained in its resolution of the 15th ultimo, a report from the Secretary of State, communicating information in regard to the action of the mixed commission for the adjustment of claims by citizens of the United States against the Government of Venezuela.

ANDREW JOHNSON.

WASHINGTON, *January 4, 1869.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in relation to the resolution of Congress approved July 20, 1867, "declaring sympathy with the suffering people of Crete."

ANDREW JOHNSON.

[The same message was sent to the Senate.]

WASHINGTON, *January 4, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention of the 24th of October, 1867, between the United States and His Majesty the King of Denmark.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Hawaiian Majesty,

signed in this city on the 28th day of July last, stipulating for an extension of the period for the exchange of the ratifications of the convention between the same parties on the subject of commercial reciprocity.

ANDREW JOHNSON.

WASHINGTON, *January 7, 1869.*

To the House of Representatives:

I transmit herewith, in answer to a resolution of the House of Representatives of the 16th of December last, a report* from the Secretary of State of the 6th instant.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 8, 1869.*

To the Senate and House of Representatives:

In conformity with the requirements of the sixth section of the act of the 22d of June, 1860, to carry into effect provisions of the treaty with China and certain other Oriental nations, I transmit to Congress a copy of eight rules agreed upon between the Chinese Imperial Government and the minister of the United States and those of other foreign powers accredited to that Government, for conducting the proceedings of the joint tribunal in cases of confiscation and fines for breaches of the revenue laws of that Empire. These rules, which are accompanied by correspondence between our minister and Secretary of State on the subject, are commended to the consideration of Congress with a view to their approval.

ANDREW JOHNSON.

WASHINGTON, *January 8, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 17th ultimo, a report† from the Secretary of State, with an accompanying paper.

ANDREW JOHNSON.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium upon the subject of naturalization, which was signed at Brussels on the 16th of November last.

ANDREW JOHNSON.

*Giving reasons why reductions in the number of officers and employees and in the salaries and expenses of the Department of State should not be made.

†Relating to the exercise or claim by United States consuls in Japan of judicial powers in cases arising between American citizens and citizens or subjects of any foreign nation other than Japan, etc.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium concerning the rights, privileges, and immunities of consuls in the two countries, signed at Brussels on the 5th ultimo.

ANDREW JOHNSON.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article of the treaty of commerce and navigation between the United States and Belgium of the 17th of July, 1858, which was signed at Brussels on the 20th ultimo.

ANDREW JOHNSON.

WASHINGTON, *January 12, 1869.*

To the Senate of the United States:

I transmit a copy of a convention between the United States and Peru, signed at Lima on the 4th of last month, stipulating for a mixed commission for the adjustment of claims of citizens of the two countries. An extract from that part of the dispatch of the minister of the United States at Lima which accompanied the copy referred to, and which relates to it, is also transmitted. It will be seen from this extract that it is desirable that the decision of the Senate upon the instrument should be given as early as may be convenient. It is consequently recommended for consideration with a view to ratification.

ANDREW JOHNSON.

WASHINGTON, D. C.,
January 13, 1869.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded at Washington, D. C., August 13, 1868, between the United States and the Nez Perce tribe of Indians, which treaty is supplemental to and amendatory of the treaty concluded with said tribe June 9, 1863. A communication from the Secretary of the Interior of the 12th instant, inclosing a copy of a report of the Commissioner of Indian Affairs of the 11th instant, is also herewith transmitted.*

ANDREW JOHNSON.

*NOTE BY THE EXECUTIVE CLERK OF THE SENATE.—"The communication from the Secretary of the Interior and this report of the Commissioner of Indian Affairs did not accompany the above communication from the President."

WASHINGTON, *January 14, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, together with the original papers accompanying the same, submitted in compliance with the resolution of the Senate of the 5th instant, requesting such information as is furnished by the files of the War Department in relation to the erection of fortifications at Lawrence, Kans., in 1864 and 1865.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit, for the opinion of the Senate as to the expediency of concluding a convention based thereupon, a protocol, signed at London on the 9th of October last, for regulating the citizenship of citizens of the United States who have emigrated or who may emigrate from the United States to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a copy of a treaty between the United States and Great Britain, signed yesterday at London, providing for the reference to an arbiter of the question of difference between the United States and Great Britain concerning the northwest line of water boundary between the United States and the British possessions in North America. It is expected that the original of the convention will be forwarded by the steamer which leaves Liverpool to-morrow. Circumstances, however, to which it is unnecessary to advert, in my judgment make it advisable to communicate to the Senate the copy referred to in advance of the arrival of the original instrument.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view of its ratification, a copy of a convention between the United States and Great Britain, signed yesterday at London, providing for the adjustment of all outstanding claims of the citizens and subjects of the parties, respectively. It is expected that the original of the convention will be forwarded by the steamer which leaves Liverpool to-morrow. Circumstances, how-

ever, to which it is unnecessary to advert, in my judgment make it advisable to communicate to the Senate the copy referred to in advance of the arrival of the original instrument.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 18, 1869.*

To the Senate of the United States:

The resolution adopted on the 5th instant, requesting the President "to transmit to the Senate a copy of any proclamation of amnesty made by him since the last adjournment of Congress, and also to communicate to the Senate by what authority of law the same was made," has been received.

I accordingly transmit herewith a copy of a proclamation dated the 25th day of December last. The authority of law by which it was made is set forth in the proclamation itself, which expressly affirms that it was issued "by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States," and proclaims and declares "unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof."

The Federal Constitution is understood to be and is regarded by the Executive as the supreme law of the land. The second section of article second of that instrument provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." The proclamation of the 25th ultimo is in strict accordance with the judicial expositions of the authority thus conferred upon the Executive, and, as will be seen by reference to the accompanying papers, is in conformity with the precedent established by Washington in 1795, and followed by President Adams in 1800, Madison in 1815, and Lincoln in 1863, and by the present Executive in 1865, 1867, and 1868.

ANDREW JOHNSON.

WASHINGTON, *January 20, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, made in compliance with the resolution of the Senate of the 19th ultimo, requesting information in reference to the payment of rent for the use of the building known as the Libby Prison, in the city of Richmond, Va.

ANDREW JOHNSON.

WASHINGTON, *January 22, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention between the United States and His Majesty the King of Italy for regulating the jurisdiction of consuls.

ANDREW JOHNSON.

WASHINGTON, *January 22, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention between the United States and His Majesty the King of Italy for the mutual extradition of criminals fugitives from justice.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 23, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body, a treaty concluded at the council house on the Cattaraugus Reservation, in Erie County, N. Y., on the 4th day of December, 1868, by Walter R. Irwin, commissioner on the part of the United States, and the duly authorized representatives of the several tribes and bands of Indians residing in the State of New York. A copy of a letter from the Secretary of the Interior, dated the 22d instant, and the papers therein referred to, in relation to the treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1869.*

To the Senate and House of Representatives:

I transmit for the consideration of Congress, in conformity with the requirements of the sixth section of the act of the 22d of June, 1860, a copy of certain regulations for the consular courts in China, prohibiting steamers sailing under the flag of the United States from using or passing through the Straw Shoe Channel on the river Yangtse, decreed by S. Wells Williams, chargé d'affaires, on the 1st of June, and promulgated by George F. Seward, consul-general at Shanghai, on the 25th of July, 1868, with the assent of five of the United States consuls in China, G. H. Colton Salter dissenting. His objections to the regulations are set forth in the accompanying copy of a communication of the 10th of October last, inclosed in Consul-General Seward's dispatch of the 14th of the same month to the Secretary of State, a copy of which is also transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 26, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with accompanying documents, in relation to the gold medal presented to Mr. George Peabody pursuant to the resolution of Congress of March 16, 1867.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1869.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 23d instant, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1869.*

To the Senate of the United States:

I transmit herewith a communication from the Secretary of War, upon the subject of the resolution of the Senate of the 21st instant, requesting a copy of the report of Brevet Major-General William S. Harney upon the Sioux and other Indians congregated under treaties made with them by the special peace commission.

ANDREW JOHNSON.

WASHINGTON, *January 29, 1869.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to a resolution of the House of Representatives without date, received at the Executive Mansion on the 10th of December, calling for correspondence in relation to the cases of Messrs. Costello and Warren, naturalized citizens of the United States imprisoned in Great Britain, a report from the Secretary of State and the papers to which it refers.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 29, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for its consideration in connection with the treaty with the New York Indians concluded November 4, 1868, which is now before that body for its constitutional action, an additional article of said treaty as an amendment.

A communication, dated the 28th instant, from the Secretary of the Interior, and a copy of a report of the Commissioner of Indian Affairs, explaining the object of the amendment, are also herewith transmitted.

ANDREW JOHNSON.

*Relating to buildings occupied in Washington by Departments of the Government.

WASHINGTON, *February 1, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 16th of December last, in relation to the arrest of American citizens in Paraguay, I transmit a report of the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 1, 1869.*

To the Senate of the United States:

In further answer to the resolution of the Senate of the 8th of December last, concerning recent transactions in the region of the La Plata affecting the political relations of the United States with Paraguay, the Argentine Republic, Uruguay, and Brazil, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 2, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, two treaties made by the commissioners appointed under the act of Congress of 20th July, 1867, to establish peace with certain hostile tribes, viz:

A treaty concluded at Fort Laramie, Dakota Territory, on the 29th April, 1868, with various bands of the Sioux or Dakota Nation of Indians.

A treaty concluded at Fort Bridger, Utah Territory, on the 3d day of July, 1868, with the Shoshone (eastern band) and Bannock Indians.

A communication from the Secretary of the Interior, dated the 2d instant, inclosing a copy of a letter to him from the Commissioner of Indian Affairs of the 28th ultimo, together with the correspondence therein referred to, relating to said treaties, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1869.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, and the papers which accompany it, in relation to the encroachments of agents of the Hudsons Bay Company upon the trade and territory of Alaska.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 4, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body thereon, the following treaties, concluded with various bands and

tribes of Indians by William I. Cullen, special agent for Indians in Montana, viz:

Treaty concluded at Fort Hawley on the 13th July, 1868, with the Gros Ventres.

Treaty concluded at Fort Hawley on the 15th July, 1868, with the River Crow Indians.

Treaty concluded at Fort Benton September 1, 1868, with the Blackfeet Nation (composed of the tribe of that name and the Blood and Piegan tribes).

Treaty with the mixed bands of Shoshones, Bannocks, and Sheepeaters, concluded at Virginia City September 24, 1868.

A letter of the Secretary of the Interior, dated the 3d instant, and the report of the Commissioner of Indian Affairs, dated the 2d instant, explaining the provisions of the several treaties and suggesting an amendment of some of them, and submitting maps and papers connected with said treaties, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1869.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 23d January ultimo, I transmit a report* of the Secretary of State, which is accompanied by a copy of the correspondence called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *February 8, 1869.*

To the Senate of the United States:

Referring to my communications of the 16th of December, 1868, and of the 1st of February instant, addressed to the Senate in answer to the resolution of that body of the 8th of December last, concerning recent transactions in the region of the La Plata, I transmit a report of the Secretary of State and the papers which accompany it.

ANDREW JOHNSON.

WASHINGTON, *February 9, 1869.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 13th ultimo, requesting information as to expenditures by the northwestern boundary commission, I transmit a report from the Secretary of State on the subject, and the papers which accompanied it.

ANDREW JOHNSON.

*Relating to the claim of William T. Harris, a United States citizen, to property withheld by the Brazilian Government.

EXECUTIVE MANSION, *February 9, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body thereon, a treaty concluded on the 2d day of September, 1868, between the United States and the Creek Nation of Indians by their duly authorized delegates.

A letter from the Secretary of the Interior, dated the 8th instant, and a report of the Commissioner of Indian Affairs, dated the 6th instant, in relation to said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 21st ultimo, a report from the Secretary of State, with accompanying papers, in relation to the establishment of the Robert College at Constantinople.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 13, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for their action thereon, a mutual relinquishment of the agreement between the Ottawa and Chippewa Indians of Kansas, which agreement is appended to a treaty now before the Senate between the United States and the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, concluded on the 1st of June, 1868.

A letter of the Secretary of the Interior of the 11th instant, together with the papers therein referred to, is also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 15, 1869.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the United States of Colombia for facilitating and securing the construction of a ship canal between the Atlantic and Pacific oceans through the continental isthmus lying without the jurisdiction of the United States of Colombia, which instrument was signed at Bogota on the 14th instant.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 17, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 11th instant, in the city of Washington, between

the United States and the Sac and Fox Indians of the Missouri and the Iowa tribe of Indians. A letter of the Secretary of the Interior of the 16th instant, together with the letters therein referred to, accompany the treaty. For reasons stated in the accompanying communications, I request to withdraw from the Senate a treaty with the Sac and Fox Indians of the Missouri, concluded February 19, 1867, now pending before that body.

ANDREW JOHNSON.

WASHINGTON, *February 17, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with accompanying documents, in relation to the gold medal presented to Mr. Cyrus W. Field pursuant to the resolution of Congress of March 2, 1867.

ANDREW JOHNSON.

EXECUTIVE MANSION,
February 17, 1869.

To the Senate of the United States:

I herewith present, for the consideration of the Senate in connection with the treaty with the Brulé and other bands of Sioux Indians now pending before that body, a communication from the Secretary of the Interior, dated the 16th instant, and accompanying letters from the Commissioner of Indian Affairs and P. H. Conger, United States Indian agent for the Yankton Sioux, requesting that the benefits of said treaty may be extended to the Yankton Sioux and all the bands and individuals of the Dakota Sioux.

ANDREW JOHNSON.

WASHINGTON, *February 17, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 19th ultimo, relating to fisheries, a report from the Secretary of State and the documents which accompanied it.

ANDREW JOHNSON.

WASHINGTON, D. C.,
February 18, 1869.

To the Senate of the United States:

I transmit to the Senate, for its constitutional action, a treaty concluded on the 13th instant between the United States and the Otoe and Missouria tribe of Indians, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *February 19, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence which has taken place between the Secretary of State and the minister of the United States at Paris, in relation to the use of passports by citizens of the United States in France.

ANDREW JOHNSON.

WASHINGTON, *February 20, 1869.*

To the House of Representatives:

I transmit an additional report from the Secretary of State, representing that Messrs. Costello and Warren, citizens of the United States imprisoned in Ireland, have been released.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 23, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of the Treasury, on the subject of the resolution of the Senate of the 13th January last, requesting "that the President direct the Secretary of the Treasury to detail an officer to select from the public lands such permanent points upon the coast of Oregon, Washington Territory, and Alaska as in his judgment may be necessary for light-house purposes, in view of the future commercial necessity of the Pacific Coast, and to reserve the same for exclusive use of the United States."

ANDREW JOHNSON.

WASHINGTON, *February 23, 1869.*

To the Senate and House of Representatives:

Referring to my communication to Congress of the 26th ultimo, concerning a decree made by the United States chargé d'affaires in China, on 1st of June last, prohibiting steamers sailing under the flag of the United States from using or passing through the Straw Shoe Channel on the Yangtse River, I now transmit a copy of a dispatch of the 22d of August last, No. 25, from S. Wells Williams, esq., and of such of the papers accompanying it as were not contained in my former communication. I also transmit a copy of the reply of the 6th instant made by the Secretary of State to the above-named dispatch.

ANDREW JOHNSON.

WASHINGTON, *February 24, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a convention between the United States and the Mexican Republic, providing for the adjustment of the claims of citizens of either country against the other, signed on the 4th day of July last, and the ratifications of which were exchanged on the 1st instant.

It is recommended that such legislation as may be necessary to carry this convention into effect shall receive early consideration.

ANDREW JOHNSON.

WASHINGTON, *March 1, 1869.*

To the Senate of the United States:

In compliance with the request of the Senate of the 27th ultimo, I return herewith their resolution of the 26th February, calling for a statement of internal-revenue stamps issued by the Government since the passage of the act approved July 1, 1862.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, D. C., *February 13, 1869.*

To the Senate of the United States:

The bill entitled "An act transferring the duties of trustees of colored schools of Washington and Georgetown" is herewith returned to the Senate, in which House it originated, without my approval.

The accompanying paper exhibits the fact that the legislation which the bill proposes is contrary to the wishes of the colored residents of Washington and Georgetown, and that they prefer that the schools for their children should be under the management of trustees selected by the Secretary of the Interior, whose term of office is for four years, rather than subject to the control of bodies whose tenure of office, depending merely upon political considerations, may be annually affected by the elections which take place in the two cities.

The colored people of Washington and Georgetown are at present not represented by a person of their own race in either of the boards of trustees of public schools appointed by the municipal authorities. Of the three trustees, however, who, under the act of July 11, 1862, compose the board of trustees of the schools for colored children, two are persons of color. The resolutions transmitted herewith show that they have performed their trust in a manner entirely satisfactory to the colored people of the two cities, and no good reason is known to the Executive why the duties which now devolve upon them should be transferred as proposed in the bill.

With these brief suggestions the bill is respectfully returned, and the consideration of Congress invited to the accompanying preamble and resolutions.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 22, 1869.*

To the House of Representatives:

The accompanying bill, entitled "An act regulating the duties on imported copper and copper ores," is, for the following reasons, returned,

without my approval, to the House of Representatives, in which branch of Congress it originated.

Its immediate effect will be to diminish the public receipts, for the object of the bill can not be accomplished without seriously affecting the importation of copper and copper ores, from which a considerable revenue is at present derived. While thus impairing the resources of the Government, it imposes an additional tax upon an already overburdened people, who should not be further impoverished that monopolies may be fostered and corporations enriched.

It is represented—and the declaration seems to be sustained by evidence—that the duties for which this bill provides are nearly or quite sufficient to prohibit the importation of certain foreign ores of copper. Its enactment, therefore, will prove detrimental to the shipping interests of the nation, and at the same time destroy the business, for many years successfully established, of smelting home ores in connection with a smaller amount of the imported articles. This business, it is credibly asserted, has heretofore yielded the larger share of the copper production of the country, and thus the industry which this legislation is designed to encourage is actually less than that which will be destroyed by the passage of this bill.

It seems also to be evident that the effect of this measure will be to enhance by 70 per cent the cost of blue vitriol—an article extensively used in dyeing and in the manufacture of printed and colored cloths. To produce such an augmentation in the price of this commodity will be to discriminate against other great branches of domestic industry, and by increasing their cost to expose them most unfairly to the effects of foreign competition Legislation can neither be wise nor just which seeks the welfare of a single interest at the expense and to the injury of many and varied interests at least equally important and equally deserving the consideration of Congress. Indeed, it is difficult to find any reason which will justify the interference of Government with any legitimate industry, except so far as may be rendered necessary by the requirements of the revenue. As has already been stated, however, the legislative intervention proposed in the present instance will diminish, not increase, the public receipts.

The enactment of such a law is urged as necessary for the relief of certain mining interests upon Lake Superior, which, it is alleged, are in a greatly depressed condition, and can only be sustained by an enhancement of the price of copper. If this result should follow the passage of the bill, a tax for the exclusive benefit of a single class would be imposed upon the consumers of copper throughout the entire country, not warranted by any need of the Government, and the avails of which would not in any degree find their way into the Treasury of the nation. If the miners of Lake Superior are in a condition of want, it can not be justly affirmed that the Government should extend charity to them in prefer-

ence to those of its citizens who in other portions of the country suffer in like manner from destitution. Least of all should the endeavor to aid them be based upon a method so uncertain and indirect as that contemplated by the bill, and which, moreover, proposes to continue the exercise of its benefaction through an indefinite period of years. It is, besides, reasonable to hope that positive suffering from want, if it really exists, will prove but temporary in a region where agricultural labor is so much in demand and so well compensated. A careful examination of the subject appears to show that the present low price of copper, which alone has induced any depression the mining interests of Lake Superior may have recently experienced, is due to causes which it is wholly impolitic, if not impracticable, to contravene by legislation. These causes are, in the main, an increase in the general supply of copper, owing to the discovery and working of remarkably productive mines and to a coincident restriction in the consumption and use of copper by the substitution of other and cheaper metals for industrial purposes. It is now sought to resist by artificial means the action of natural laws; to place the people of the United States, in respect to the enjoyment and use of an essential commodity, upon a different basis from other nations, and especially to compensate certain private and sectional interests for the changes and losses which are always incident to industrial progress.

Although providing for an increase of duties, the proposed law does not even come within the range of protection, in the fair acceptation of the term. It does not look to the fostering of a young and feeble interest with a view to the ultimate attainment of strength and the capacity of self-support. It appears to assume that the present inability for successful production is inherent and permanent, and is more likely to increase than to be gradually overcome; yet in spite of this it proposes, by the exercise of the lawmaking power, to sustain that interest and to impose it in hopeless perpetuity as a tax upon the competent and beneficent industries of the country.

The true method for the mining interests of Lake Superior to obtain relief, if relief is needed, is to endeavor to make their great natural resources fully available by reducing the cost of production. Special or class legislation can not remedy the evils which this bill is designed to meet. They can only be overcome by laws which will effect a wise, honest, and economical administration of the Government, a reestablishment of the specie standard of value, and an early adjustment of our system of State, municipal, and national taxation (especially the latter) upon the fundamental principle that all taxes, whether collected under the internal revenue or under a tariff, shall interfere as little as possible with the productive energies of the people.

The bill is therefore returned, in the belief that the true interests of the Government and of the people require that it should not become a law.

ANDREW JOHNSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States has heretofore set forth several proclamations offering amnesty and pardon to persons who had been or were concerned in the late rebellion against the lawful authority of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July, in the present year; and

Whereas the authority of the Federal Government having been reestablished in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said several proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that an universal amnesty and pardon for participation in said rebellion extended to all who have borne any part therein will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government, designed by its patriotic founders for the general good:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution and in the name of the sovereign people of the United States, do hereby proclaim and declare, unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 25th day of December, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

F. W. SEWARD,

Acting Secretary of State.

THE CONGRESSIONAL COMMITTEE TO IMPEACH PRESIDENT JOHNSON

THE IMPEACHMENT OF PRESIDENT JOHNSON

The history of the process of impeachment is recited in the article entitled "Impeachment" in the encyclopedic index (volume eleven). The official record of the impeachment trial of Andrew Johnson is contained on pages 3907, 3916, 3918, 3926 and 3951. The photograph shows the Congressional Committee that managed the proceedings. Those seated are Benjamin F. Butler, Thaddeus Stevens, Thomas Williams and John Bingham; standing are James Wilson, George S. Boutwell and John A. Logan.

IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

On the 24th of February, 1868, the House of Representatives of the Congress of the United States resolved to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors, of which the Senate was apprised, and arrangements were made for the trial. On the 2d and 3d of March articles of impeachment were agreed upon by the House of Representatives, and on the 4th they were presented to the Senate by the managers on the part of the House, Mr. John A. Bingham, Mr. George S. Boutwell, Mr. James F. Wilson, Mr. Benjamin F. Butler, Mr. Thomas Williams, Mr. John A. Logan, and Mr. Thaddeus Stevens, who were accompanied by the House as a Committee of the Whole. The articles are as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 2, 1868.

ARTICLES EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE UNITED STATES, AGAINST ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, IN MAINTENANCE AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANORS IN OFFICE.

ARTICLE I. That said Andrew Johnson, President of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully and in violation of the Constitution and laws of the United States issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary; and said Andrew Johnson, President of the United States, on the 12th day of August, A. D. 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate—that is to say, on the 12th day of December, in the year last aforesaid—having reported to said Senate such suspension, with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate; and said Senate

thereafterwards, on the 13th day of January, A. D. 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice; and said Edwin M. Stanton, by reason of the premises, on said 21st day of February, being lawfully entitled to hold said office of Secretary for the Department of War; which said order for the removal of said Edwin M. Stanton is in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

HON. EDWIN M. STANTON,
Washington, D. C.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

which order was unlawfully issued with intent then and there to violate the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. II. That on said 21st day of February, A. D. 1868, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the

Constitution of the United States and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,
ANDREW JOHNSON.

then and there being no vacancy in said office of Secretary for the Department of War; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. III. That said Andrew Johnson, President of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,
ANDREW JOHNSON.

ART. IV. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and his oath of office, in violation of the Constitution and laws of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons

to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July 31, 1861; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

ART. V. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, and on divers other days and times in said year before the 2d day of March, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and in pursuance of said conspiracy did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office; whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. VI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said Department, contrary to the provisions of an act entitled "An act to define and punish certain conspiracies," approved July 31, 1861, and with intent to violate and disregard an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867; whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

ART. VII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States in the Department of War, in the custody and charge of Edwin M. Stanton, Secretary for said Department, with intent to violate and disregard the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867; whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

ART. VIII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursement of the moneys appropriated for the military service and for the Department of War, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority, in writing, in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,
ANDREW JOHNSON.

whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. IX. That said Andrew Johnson, President of the United States, on the 22d day of February, A. D. 1868, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States duly enacted, as Commander in Chief of the Army of the United States, did bring before himself then and there William H. Emory, a major-general by brevet in the Army of the United States, actually in command of the Department of Washington and the military forces thereof, and did then and there, as such Commander in Chief, declare to and instruct said Emory that part of a law of the United States, passed March 2, 1867, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and in case of his inability through the next in rank," was unconstitutional and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by general order for the government and direction of the Army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official

capacity as commander of the Department of Washington, to violate the provisions of said act and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the Army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, *do demand* that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

Attest:

EDWARD McPHERSON,
Clerk of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 3, 1868.

The following additional articles of impeachment were agreed to, viz:

ART. X. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States, designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and legislative power thereof (which all officers of the Government ought inviolably to preserve and maintain), and to excite the odium and resentment of all the good people of the United States against Congress and the laws by it duly and constitutionally enacted; and, in pursuance of his

said design and intent, openly and publicly, and before divers assemblages of the citizens of the United States, convened in divers parts thereof to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on the 18th day of August, A. D. 1866, and on divers other days and times, as well before as afterwards, make and deliver with a loud voice certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces, as well against Congress as the laws of the United States, duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled and in hearing, which are set forth in the several specifications hereinafter written in substance and effect; that is to say:

Specification first:—In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to wit, on the 18th day of August, A. D. 1866, did in a loud voice declare in substance and effect, among other things; that is to say:

So far as the executive department of the Government is concerned, the effort has been made to restore the Union, to heal the breach, to pour oil into the wounds which were consequent upon the struggle, and (to speak in common phrase) to prepare, as the learned and wise physician would, a plaster healing in character and coextensive with the wound. We thought and we think that we had partially succeeded; but as the work progresses, as reconstruction seemed to be taking place and the country was becoming reunited, we found a disturbing and marring element opposing us. In alluding to that element I shall go no further than your convention and the distinguished gentleman who has delivered to me the report of its proceedings. I shall make no reference to it that I do not believe the time and the occasion justify.

We have witnessed in one department of the Government every endeavor to prevent the restoration of peace, harmony, and union. We have seen hanging upon the verge of the Government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States. We have seen this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of the States inevitable. * * * We have seen Congress gradually encroach, step by step, upon constitutional rights, and violate, day after day and month after month, fundamental principles of the Government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, allowed to be consummated, would result in despotism or monarchy itself.

Specification second.—In this, that at Cleveland, in the State of Ohio, heretofore, to wit, on the 3d day of September, A. D. 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did in a loud voice declare in substance and effect, among other things; that is to say:

I will tell you what I did do. I called upon your Congress that is trying to break up the Government.

* * * * * * *

In conclusion, besides that, Congress had taken much pains to poison their constituents against him. But what had Congress done? Have they done anything to restore the Union of these States? No. On the contrary, they have done everything to prevent it. And because he stood now where he did when the rebellion commenced, he had been denounced as a traitor. Who had run greater risks or made greater sacrifices than himself? But Congress, factious and domineering, had undertaken to poison the minds of the American people.

Specification third.—In this, that at St. Louis, in the State of Missouri, heretofore, to wit, on the 8th day of September, A. D. 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did in a loud voice declare in substance and effect, among other things; that is to say:

Go on. Perhaps if you had a word or two on the subject of New Orleans you might understand more about it than you do. And if you will go back—if you will go back and ascertain the cause of the riot at New Orleans, perhaps you will not be so prompt in calling out "New Orleans." If you will take up the riot at New Orleans and trace it back to its source or its immediate cause, you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the Radical Congress, you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses, you will understand that they there knew that a convention was to be called which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population, called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans, you ought to understand what you are talking about. When you read the speeches that were made and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were made, incendiary in their character, exciting that portion of the population—the black population—to arm themselves and prepare for the shedding of blood. You will also find that that convention did assemble, in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the Government of the United States; and every man engaged in that rebellion in that convention, with the intention of superseding and upturning the civil government which had been recognized by the Government of the United States, I say that he was a traitor to the Constitution of the United States; and hence you find that another rebellion was commenced, *having its origin in the Radical Congress.*

* * * * * * *

So much for the New Orleans riot. And there was the cause and the origin of the blood that was shed; and every drop of blood that was shed is upon their skirts, and they are responsible for it. I could test this thing a little closer, but will not do it here to-night. But when you talk about the causes and consequences that resulted from proceedings of that kind, perhaps, as I have been introduced here, and you have provoked questions of this kind—though it does not provoke me—I will tell you a few wholesome things that have been done by this Radical Congress in connection with New Orleans and the extension of the elective franchise.

I know that I have been traduced and abused. I know it has come in advance of me, here as elsewhere, that I have attempted to exercise an arbitrary power in resisting laws that were intended to be forced upon the Government; that I had exer-

cised that power; that I had abandoned the party that elected me, and that I was a traitor, because I exercised the veto power in attempting and did arrest for a time a bill that was called a "Freedmen's Bureau" bill; yes, that I was a traitor. And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot and all that. Now, my countrymen, here to-night, it is very easy to indulge in epithets; it is easy to call a man a Judas and cry out "traitor;" but when he is called upon to give arguments and facts he is very often found wanting. Judas Iscariot—Judas. There was a Judas, and he was one of the twelve apostles. Oh, yes; the twelve apostles had a Christ. The twelve apostles had a Christ, and he never could have had a Judas unless he had had twelve apostles. If I have played the Judas, who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? These are the men that stop and compare themselves with the Savior, and everybody that differs with them in opinion, and to try to stay and arrest their diabolical and nefarious policy, is to be denounced as a Judas.

* * * * * * *

Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance—soldiers and citizens—to participate in these offices, God being willing I will kick them out. I will kick them out just as fast as I can.

Let me say to you in concluding that what I have said I intended to say. I was not provoked into this, and I care not for their menaces, the taunts and the jeers. I care not for threats. I do not intend to be bullied by my enemies nor overawed by my friends. But, God willing, with your help I will veto their measures whenever any of them come to me.

which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens; whereby said Andrew Johnson, President of the United States, did commit and was then and there guilty of a high misdemeanor in office.

ART. XI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, and in disregard of the Constitution and laws of the United States, did heretofore, to wit, on the 18th day of August, A. D. 1866, at the city of Washington, in the District of Columbia, by public speech, declare and affirm in substance that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only part of the States; thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying and intending to deny the power of the said Thirty-ninth Congress to propose amendments to the Constitution of the United States; and in pursuance of said declaration the said Andrew Johnson, President of the United States, afterwards, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, in the District of Columbia, did unlawfully, and in disregard of the requirement

of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising and contriving, and attempting to devise and contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War, and also by further unlawfully devising and contriving, and attempting to devise and contrive, means then and there to prevent the execution of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1868 and for other purposes," approved March 2, 1867, and also to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, whereby the said Andrew Johnson, President of the United States, did then, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, commit and was guilty of a high misdemeanor in office.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

Attest:

EDWARD McPHERSON,
Clerk of the House of Representatives.

IN THE SENATE, *March 4, 1868.*

The President *pro tempore* laid before the Senate the following letter from the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States:

WASHINGTON, *March 4, 1868.*

To the Senate of the United States:

Inasmuch as the sole power to try impeachments is vested by the Constitution in the Senate, and it is made the duty of the Chief Justice to preside when the President is on trial, I take the liberty of submitting, very respectfully, some observations in respect to the proper mode of proceeding upon the impeachment which has been preferred by the House of Representatives against the President now in office.

That when the Senate sits for the trial of an impeachment it sits as a court seems unquestionable.

That for the trial of an impeachment of the President this court must be constituted of the members of the Senate, with the Chief Justice presiding, seems equally unquestionable.

The Federalist is regarded as the highest contemporary authority on the construction of the Constitution, and in the sixty-fourth number the functions of the Senate "sitting in their judicial capacity as a court for the trial of impeachments" are examined.

In a paragraph explaining the reasons for not uniting "the Supreme Court with the Senate in the formation of the court of impeachments" it is observed that—

> To a certain extent the benefits of that union will be obtained from making the Chief Justice of the Supreme Court the president of the court of impeachments, as is proposed by the plan of the Convention, while the inconveniences of an entire incorporation of the former into the latter will be substantially avoided. This was, perhaps, the prudent mean.

This authority seems to leave no doubt upon either of the propositions just stated; and the statement of them will serve to introduce the question upon which I think it my duty to state the result of my reflections to the Senate, namely, At what period, in the case of an impeachment of the President, should the court of impeachment be organized under oath, as directed by the Constitution?

It will readily suggest itself to anyone who reflects upon the abilities and the learning in the law which distinguish so many Senators that besides the reason assigned in the Federalist there must have been still another for the provision requiring the Chief Justice to preside in the court of impeachment. Under the Constitution, in case of a vacancy in the office of President, the Vice-President succeeds, and it was doubtless thought prudent and befitting that the next in succession should not preside in a proceeding through which a vacancy might be created.

It is not doubted that the Senate, while sitting in its ordinary capacity, must necessarily receive from the House of Representatives some notice of its intention to impeach the President at its bar, but it does not seem to me an unwarranted opinion, in view of this constitutional provision, that the organization of the Senate as a court of impeachment, under the Constitution, should precede the actual announcement of the impeachment on the part of the House.

And it may perhaps be thought a still less unwarranted opinion that articles of impeachment should only be presented to a court of impeachment; that no summons or other process should issue except from the organized court, and that rules for the government of the proceedings of such a court should be framed only by the court itself.

I have found myself unable to come to any other conclusions than these. I can assign no reason for requiring the Senate to organize as a court under any other than its ordinary presiding officer for the latter proceedings upon an impeachment of the President which does not seem to me to apply equally to the earlier.

I am informed that the Senate has proceeded upon other views, and it is not my purpose to contest what its superior wisdom may have directed.

All good citizens will fervently pray that no occasion may ever arise when the grave proceedings now in progress will be cited as a precedent; but it is not impossible that such an occasion may come.

Inasmuch, therefore, as the Constitution has charged the Chief Justice

with an important function in the trial of an impeachment of the President, it has seemed to me fitting and obligatory, where he is unable to concur in the views of the Senate concerning matters essential to the trial, that his respectful dissent should appear.

S. P. CHASE,
Chief Justice of the United States.

PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF THE IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Chief Justice of the United States entered the Senate Chamber and was conducted to the chair by the committee appointed by the Senate for that purpose.

The following oath was administered to the Chief Justice by Associate Justice Nelson, and by the Chief Justice to the members of the Senate:

I do solemnly swear that in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws. So help me God.

FRIDAY, MARCH 6, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

To accord with the conviction of the Chief Justice* that the court should adopt its own rules, those adopted on March 2 by the Senate sitting in its legislative capacity were readopted by the Senate sitting as a court of impeachment. The rules are as follows:

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON THE TRIAL OF IMPEACHMENTS.

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to said notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles

* See letter from the Chief Justice, pp. 3916–3918.

of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz:

> All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against ——— ———.

after which the articles shall be exhibited; and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if so ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may in its judgment be needful. Before proceeding to the consideration of the articles of impeachment the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States, or the Vice-President of the United States upon whom the powers and duties of the office of President shall have devolved, shall be impeached, the Chief Justice of the Supreme Court of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment as aforesaid, with a request to attend; and the said Chief Justice shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice; and the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer upon the trial shall direct all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment and all forms during the trial not otherwise specially provided for. The presiding officer may, in the first instance, submit to the Senate, without a division, all questions of evidence and incidental questions; but the same shall, on the demand of one-fifth of the members present, be decided by yeas and nays.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate, and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon, which writ shall be served by such officer or person as shall be named in the precept thereof such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused or, if that can not conveniently be done, by leaving such copy at the last known place of abode of such person or at his usual place of business, in some conspicuous place therein; or, if such service shall be, in the judgment of the Senate, impracticable, notice to the accused to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12 o'clock and 30 minutes afternoon of the day appointed for the return of the summons against the person impeached the legislative and executive business of the Senate shall be suspended and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

I, ——— ———, do solemnly swear that the return made by me upon the process issued on the —— day of ——— by the Senate of the United States against ——— ——— is truly made, and that I have performed such service as herein described. So help me God.

which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself or by agent or attorney, naming the person appearing and the capacity in

which he appears If he do not appear, either personally or by agent or attorney, the same shall be recorded.

XI. At 12 o'clock and 30 minutes afternoon of the day appointed for the trial of an impeachment the legislative and executive business of the Senate shall be suspended and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of ——— ———, in the Senate Chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

XII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m., and when the hour for such sitting shall arrive the Presiding Officer of the Senate shall so announce; and thereupon the presiding officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate, but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIII. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XIV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XV. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any Senator shall require it they shall be committed to writing and read at the Secretary's table.

XVI. Witnesses shall be examined by one person on behalf of the party producing them and then cross-examined by one person on the other side.

XVII. If a Senator is called as a witness, he shall be sworn and give his testimony standing in his place.

XVIII. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put by the presiding officer.

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

XX. All preliminary or interlocutory questions and all motions shall be argued for not exceeding one hour on each side, unless the Senate shall by order extend the time.

XXI. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate, upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXII. On the final question whether the impeachment is sustained the yeas and nays shall be taken on each article of impeachment separately, and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present.

XXIV. Witnesses shall be sworn in the following form, viz:

You, ——— ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now depending between the United States and ——— ——— shall be the truth, the whole truth, and nothing but the truth. So help you God.

which oath shall be administered by the Secretary or any other duly authorized person.

Form of subpœna to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel:

To ——— ———, *greeting:*

You and each of you are hereby commanded to appear before the Senate of the United States on the —— day of ———, at the Senate Chamber, in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ——— ———.

Fail not.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

Form of direction for the service of said subpœna:

The Senate of the United States to ——— ———, *greeting:*

You are hereby commanded to serve and return the within subpœna according to law.

Dated at Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

———— ————,
Secretary of the Senate.

Form of oath to be administered to the members of the Senate sitting in the trial of impeachments:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws. So help me God.

Form of summons to be issued and served upon the person impeached

THE UNITED STATES OF AMERICA, *ss:*

The Senate of the United States to ——— ———, *greeting:*

Whereas the House of Representatives of the United States of America did on the —— day of ——— exhibit to the Senate articles of impeachment against you, the said ——— ———, in the words following:

[Here insert the articles.]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice:

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber, in the city of Washington, on the —— day of ———, at 12 o'clock and 30 minutes afternoon, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises, according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

Form of precept to be indorsed on said writ of summons:

THE UNITED STATES OF AMERICA, *ss:*

The Senate of the United States to ——— ———, *greeting:*

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or, if not, to leave at his usual place of abode or at his usual place of business, in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least —— days before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

All process shall be served by the Sergeant-at-Arms of the Senate unless otherwise ordered by the court.

XXV. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may by an order, to be adopted without debate, fix a day and hour for resuming such consideration.

On March 31 Rule VII was amended to read as follows:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for, and the presiding officer on the trial

may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may, at his option, in the first instance submit any such question to a vote of the members of the Senate.

On April 3 Rule VII was further amended by inserting at the end thereof the following:

Upon all such questions the vote shall be without a division, unless the yeas and nays be demanded by one-fifth of the members present, when the same shall be taken.

On March 13 Rule XXIII was amended to read as follows:

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present.

On May 7 Rule XXIII was further amended by adding thereto the following:

The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

FRIDAY, MARCH 13, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

Mr. Henry Stanbery, in behalf of Andrew Johnson, the respondent, read the following paper:

In the matter of the impeachment of Andrew Johnson, President of the United States.

Mr. CHIEF JUSTICE: I, Andrew Johnson, President of the United States, having been served with a summons to appear before this honorable court, sitting as a court of impeachment, to answer certain articles of impeachment found and presented against me by the honorable the House of Representatives of the United States, do hereby enter my appearance by my counsel, Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A. R. Nelson, who have my warrant and authority therefor, and who are instructed by me to ask of this honorable court a reasonable time for the preparation of my answer to said articles. After a careful examination of the articles of impeachment and consultation

with my counsel, I am satisfied that at least forty days will be necessary for the preparation of my answer, and I respectfully ask that it be allowed.

ANDREW JOHNSON.

Mr. Stanbery then submitted the following motion:

In the matter of the impeachment of Andrew Johnson, President of the United States.

Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A. R. Nelson, of counsel for the respondent, move the court for the allowance of forty days for the preparation of the answer to the articles of impeachment, and in support of the motion make the following professional statement:

The articles are eleven in number, involving many questions of law and fact. We have during the limited time and opportunity afforded us considered as far as possible the field of investigation which must be explored in the preparation of the answer, and the conclusion at which we have arrived is that with the utmost diligence the time we have asked is reasonable and necessary.

The precedents as to time for answer upon impeachments before the Senate to which we have had opportunity to refer are those of Judge Chase and Judge Peck.

In the case of Judge Chase time was allowed from the 3d of January until the 4th of February next succeeding to put in his answer—a period of thirty-two days; but in this case there were only eight articles, and Judge Chase had been for a year cognizant of most of the articles, and had been himself engaged in preparing to meet them.

In the case of Judge Peck there was but a single article. Judge Peck asked for time from the 10th to the 25th of May to put in his answer, and it was granted. It appears that Judge Peck had been long cognizant of the ground laid for his impeachment, and had been present before the committee of the House upon the examination of the witnesses, and had been permitted by the House of Representatives to present to that body an elaborate answer to the charges.

It is apparent that the President is fairly entitled to more time than was allowed in either of the foregoing cases. It is proper to add that the respondents in these cases were lawyers, fully capable of preparing their own answers, and that no pressing official duties interfered with their attention to that business; whereas the President, not being a lawyer, must rely on his counsel. The charges involve his acts, declarations, and intentions, as to all which his counsel must be fully advised upon consultation with him, step by step, in the preparation of his defense. It is seldom that a case requires such constant communication between client and counsel as this, and yet such communication can only be had at such intervals as are allowed to the President from the usual hours that must be devoted to his high official duties.

We further beg leave to suggest for the consideration of this honorable court that, as counsel careful as well of their own reputation as of the interests of their client in a case of such magnitude as this, so out of the ordinary range of professional experience, where so much responsibility is felt, they submit to the candid consideration of the court that they have a right to ask for themselves such opportunity to discharge their duty as seems to them to be absolutely necessary.

HENRY STANBERY,
B. R. CURTIS,
JEREMIAH S. BLACK,
WILLIAM M. EVARTS, } Per H. S.
THOMAS A. R. NELSON,
Of Counsel for the Respondent.

The above motion was denied, and the Senate adopted the following orders:

Ordered, That the respondent file answer to the articles of impeachment on or before Monday, the 23d day of March instant.

Ordered, That unless otherwise ordered by the Senate, for cause shown, the trial of the pending impeachment shall proceed immediately after replication shall be filed.

MONDAY, MARCH 23, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The answer of the respondent to the articles of impeachment was submitted by his counsel, as follows:

Senate of the United States, sitting as a court of impeachment for the trial of Andrew Johnson, President of the United States.

THE ANSWER OF THE SAID ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

Answer to Article I.—For answer to the first article he says that Edwin M. Stanton was appointed Secretary for the Department of War on the 15th day of January, A. D. 1862, by Abraham Lincoln, then President of the United States, during the first term of his Presidency, and was commissioned, according to the Constitution and laws of the United States, to hold the said office during the pleasure of the President; that the office of Secretary for the Department of War was created by an act of the First Congress in its first session, passed on the 7th day of August, A. D. 1789, and in and by that act it was provided and enacted that the said Secretary for the Department of War shall perform and execute such duties as shall from time to time be enjoined on and

intrusted to him by the President of the United States, agreeably to the Constitution, relative to the subjects within the scope of the said Department; and, furthermore, that the said Secretary shall conduct the business of the said Department in such a manner as the President of the United States shall from time to time order and instruct.

And this respondent, further answering, says that by force of the act aforesaid and by reason of his appointment aforesaid the said Stanton became the principal officer in one of the Executive Departments of the Government within the true intent and meaning of the second section of the second article of the Constitution of the United States and according to the true intent and meaning of that provision of the Constitution of the United States; and, in accordance with the settled and uniform practice of each and every President of the United States, the said Stanton then became, and so long as he should continue to hold the said office of Secretary for the Department of War must continue to be, one of the advisers of the President of the United States, as well as the person intrusted to act for and represent the President in matters enjoined upon him or intrusted to him by the President touching the Department aforesaid, and for whose conduct in such capacity, subordinate to the President, the President is by the Constitution and laws of the United States made responsible.

And this respondent, further answering, says he succeeded to the office of President of the United States upon and by reason of the death of Abraham Lincoln, then President of the United States, on the 15th day of April, 1865, and the said Stanton was then holding the said office of Secretary for the Department of War under and by reason of the appointment and commission aforesaid; and not having been removed from the said office by this respondent, the said Stanton continued to hold the same under the appointment and commission aforesaid, at the pleasure of the President, until the time hereinafter particularly mentioned, and at no time received any appointment or commission save as above detailed.

And this respondent, further answering, says that on and prior to the 5th day of August, A. D. 1867, this respondent, the President of the United States, responsible for the conduct of the Secretary for the Department of War, and having the constitutional right to resort to and rely upon the person holding that office for advice concerning the great and difficult public duties enjoined on the President by the Constitution and laws of the United States, became satisfied that he could not allow the said Stanton to continue to hold the office of Secretary for the Department of War without hazard of the public interest; that the relations between the said Stanton and the President no longer permitted the President to resort to him for advice or to be, in the judgment of the President, safely responsible for his conduct of the affairs of the Department of War, as by law required, in accordance with the orders and instructions of the President; and thereupon, by force of the Constitution and laws of the United

States, which devolve on the President the power and the duty to control the conduct of the business of that Executive Department of the Government, and by reason of the constitutional duty of the President to take care that the laws be faithfully executed, this respondent did necessarily consider and did determine that the said Stanton ought no longer to hold the said office of Secretary for the Department of War. And this respondent, by virtue of the power and authority vested in him as President of the United States by the Constitution and laws of the United States, to give effect to such his decision and determination, did, on the 5th day of August, A. D. 1867, address to the said Stanton a note of which the following is a true copy:

SIR: Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

To which note the said Stanton made the following reply:

WAR DEPARTMENT,
Washington, August 5, 1867.

SIR: Your note of this day has been received, stating that "public considerations of a high character constrain" you "to say that" my "resignation as Secretary of War will be accepted."

In reply I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress.

Very respectfully, yours,
EDWIN M. STANTON.

This respondent, as President of the United States, was thereon of opinion that, having regard to the necessary official relations and duties of the Secretary for the Department of War to the President of the United States, according to the Constitution and laws of the United States, and having regard to the responsibility of the President for the conduct of the said Secretary, and having regard to the permanent executive authority of the office which the respondent holds under the Constitution and laws of the United States, it was impossible, consistently with the public interests, to allow the said Stanton to continue to hold the said office of Secretary for the Department of War; and it then became the official duty of the respondent, as President of the United States, to consider and decide what act or acts should and might lawfully be done by him, as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was informed and verily believed that it was practically settled by the First Congress of the United States, and had been so considered and uniformly and in great numbers of instances acted on by each Congress and President of the United States, in succession, from President Washington to and including President Lincoln, and from the First Congress to the Thirty-ninth Congress, that the Constitution of the United States conferred on the President, as part of the executive power and as one of the necessary means and instruments of performing

the executive duty expressly imposed on him by the Constitution of taking care that the laws be faithfully executed, the power at any and all times of removing from office all executive officers for cause to be judged of by the President alone. This respondent had, in pursuance of the Constitution, required the opinion of each principal officer of the Executive Departments upon this question of constitutional executive power and duty, and had been advised by each of them, including the said Stanton, Secretary for the Department of War, that under the Constitution of the United States this power was lodged by the Constitution in the President of the United States, and that, consequently, it could be lawfully exercised by him, and the Congress could not deprive him thereof; and this respondent, in his capacity of President of the United States, and because in that capacity he was both enabled and bound to use his best judgment upon this question, did, in good faith and with an earnest desire to arrive at the truth, come to the conclusion and opinion, and did make the same known to the honorable the Senate of the United States by a message dated on the 2d day of March, 1867 (a true copy whereof is hereunto annexed and marked A), that the power last mentioned was conferred and the duty of exercising it in fit cases was imposed on the President by the Constitution of the United States, and that the President could not be deprived of this power or relieved of this duty, nor could the same be vested by law in the President and the Senate jointly, either in part or whole; and this has ever since remained and was the opinion of this respondent at the time when he was forced as aforesaid to consider and decide what act or acts should and might lawfully be done by this respondent, as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was also then aware that by the first section of "An act regulating the tenure of certain civil offices," passed March 2, 1867, by a constitutional majority of both Houses of Congress, it was enacted as follows:

> That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and one month thereafter, subject to removal by and with the advice and consent of the Senate.

This respondent was also aware that this act was understood and intended to be an expression of the opinion of the Congress by which that act was passed that the power to remove executive officers for cause might by law be taken from the President and vested in him and the Senate jointly; and although this respondent had arrived at and still

retained the opinion above expressed, and verily believed, as he still believes, that the said first section of the last-mentioned act was and is wholly inoperative and void by reason of its conflict with the Constitution of the United States, yet, inasmuch as the same had been enacted by the constitutional majority in each of the two Houses of that Congress, this respondent considered it to be proper to examine and decide whether the particular case of the said Stanton, on which it was this respondent's duty to act, was within or without the terms of that first section of the act, or, if within it, whether the President had not the power, according to the terms of the act, to remove the said Stanton from the office of Secretary for the Department of War; and having, in his capacity of President of the United States, so examined and considered, did form the opinion that the case of the said Stanton and his tenure of office were not affected by the first section of the last-named act.

And this respondent, further answering, says that although a case thus existed which, in his judgment, as President of the United States, called for the exercise of the executive power to remove the said Stanton from the office of Secretary for the Department of War; and although this respondent was of opinion, as is above shown, that under the Constitution of the United States the power to remove the said Stanton from the said office was vested in the President of the United States; and although this respondent was also of the opinion, as is above shown, that the case of the said Stanton was not affected by the first section of the last-named act; and although each of the said opinions had been formed by this respondent upon an actual case, requiring him, in his capacity of President of the United States, to come to some judgment and determination thereon, yet this respondent, as President of the United States, desired and determined to avoid, if possible, any question of the construction and effect of the said first section of the last-named act, and also the broader question of the executive power conferred upon the President of the United States by the Constitution of the United States to remove one of the principal officers of one of the Executive Departments for cause seeming to him sufficient; and this respondent also desired and determined that if, from causes over which he could exert no control, it should become absolutely necessary to raise and have in some way determined either or both of the said last-named questions, it was in accordance with the Constitution of the United States, and was required of the President thereby, that questions of so much gravity and importance, upon which the legislative and executive departments of the Government had disagreed, which involved powers considered by all branches of the Government, during its entire history down to the year 1867, to have been confided by the Constitution of the United States to the President, and to be necessary for the complete and proper execution of his constitutional duties, should be in some proper way submitted to that judicial department of the Government intrusted by the Constitution with the power, and subjected by it to the

duty, not only of determining finally the construction and effect of all acts of Congress, but of comparing them with the Constitution of the United States and pronouncing them inoperative when found in conflict with that fundamental law which the people have enacted for the government of all their servants. And to these ends, first, that through the action of the Senate of the United States the absolute duty of the President to substitute some fit person in place of Mr. Stanton as one of his advisers, and as a principal subordinate officer whose official conduct he was responsible for and had lawful right to control, might, if possible, be accomplished without the necessity of raising any one of the questions aforesaid; and, second, if this duty could not be so performed, then that these questions, or such of them as might necessarily arise, should be judicially determined in manner aforesaid, and for no other end or purpose, this respondent, as President of the United States, on the 12th day of August, 1867, seven days after the reception of the letter of the said Stanton of the 5th of August, hereinbefore stated, did issue to the said Stanton the order following, namely:

EXECUTIVE MANSION,
Washington, August 12, 1867.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

To which said order the said Stanton made the following reply:

WAR DEPARTMENT,
Washington City, August 12, 1867.

The PRESIDENT.

SIR: Your note of this date has been received, informing me that by virtue of the powers vested in you as President by the Constitution and laws of the United States I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same; and also directing me at once to transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in my custody and charge.

Under a sense of public duty, I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without legal cause, to suspend me from office as Secretary of War, or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.

But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

And this respondent, further answering, says that it is provided in and by the second section of "An act regulating the tenure of certain civil offices" that the President may suspend an officer from the performance

of the duties of the office held by him, for certain causes therein designated, until the next meeting of the Senate and until the case shall be acted on by the Senate; that this respondent, as President of the United States, was advised, and he verily believed, and still believes, that the executive power of removal from office confided to him by the Constitution as aforesaid includes the power of suspension from office at the pleasure of the President; and this respondent, by the order aforesaid, did suspend the said Stanton from office, not until the next meeting of the Senate or until the Senate should have acted upon the case, but, by force of the power and authority vested in him by the Constitution and laws of the United States, indefinitely and at the pleasure of the President; and the order, in form aforesaid, was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be more fully hereinafter stated.

And this respondent, further answering, says that in and by the act of February 13, 1795, it was, among other things, provided and enacted that in case of vacancy in the office of Secretary for the Department of War it shall be lawful for the President, in case he shall think it necessary, to authorize any person to perform the duties of that office until a successor be appointed or such vacancy filled, but not exceeding the term of six months; and this respondent, being advised and believing that such law was in full force and not repealed, by an order dated August 12, 1867, did authorize and empower Ulysses S. Grant, General of the armies of the United States, to act as Secretary for the Department of War *ad interim*, in the form in which similar authority had theretofore been given, not until the next meeting of the Senate and until the Senate should act on the case, but at the pleasure of the President, subject only to the limitation of six months in the said last-mentioned act contained; and a copy of the last-named order was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be hereinafter more fully stated; and in pursuance of the design and intention aforesaid, if it should become necessary, to submit the said questions to a judicial determination, this respondent, at or near the date of the last-mentioned order, did make known such his purpose to obtain a judicial decision of the said questions, or such of them as might be necessary.

And this respondent, further answering, says that in further pursuance of his intention and design, if possible, to perform what he judged to be his imperative duty, to prevent the said Stanton from longer holding the office of Secretary for the Department of War, and at the same time avoiding, if possible, any question respecting the extent of the power of removal from executive office confided to the President by the Constitution of the United States, and any question respecting the construction and effect of the first section of the said "Act regulating the tenure of certain civil offices," while he should not by any act of his abandon and relinquish either a power which he believed the Constitution had con-

ferred on the President of the United States to enable him to perform the duties of his office or a power designedly left to him by the first section of the act of Congress last aforesaid, this respondent did, on the 12th day of December, 1867, transmit to the Senate of the United States a message, a copy whereof is hereunto annexed and marked B, wherein he made known the orders aforesaid and the reasons which had induced the same, so far as this respondent then considered it material and necessary that the same should be set forth, and reiterated his views concerning the constitutional power of removal vested in the President, and also expressed his views concerning the construction of the said first section of the last-mentioned act, as respected the power of the President to remove the said Stanton from the said office of Secretary for the Department of War, well hoping that this respondent could thus perform what he then believed, and still believes, to be his imperative duty in reference to the said Stanton without derogating from the powers which this respondent believed were confided to the President by the Constitution and laws, and without the necessity of raising judicially any questions respecting the same.

And this respondent, further answering, says that this hope not having been realized, the President was compelled either to allow the said Stanton to resume the said office and remain therein contrary to the settled convictions of the President, formed as aforesaid, respecting the powers confided to him and the duties required of him by the Constitution of the United States, and contrary to the opinion formed as aforesaid that the first section of the last-mentioned act did not affect the case of the said Stanton, and contrary to the fixed belief of the President that he could no longer advise with or trust or be responsible for the said Stanton in the said office of Secretary for the Department of War, or else he was compelled to take such steps as might in the judgment of the President be lawful and necessary to raise for a judicial decision the questions affecting the lawful right of the said Stanton to resume the said office or the power of the said Stanton to persist in refusing to quit the said office if he should persist in actually refusing to quit the same; and to this end, and to this end only, this respondent did, on the 21st day of February, 1868, issue the order for the removal of the said Stanton, in the said first article mentioned and set forth, and the order authorizing the said Lorenzo Thomas to act as Secretary of War *ad interim*, in the said second article set forth.

And this respondent, proceeding to answer specifically each substantial allegation in the said first article, says: He denies that the said Stanton, on the 21st day of February, 1868, was lawfully in possession of the said office of Secretary for the Department of War. He denies that the said Stanton, on the day last mentioned, was lawfully entitled to hold the said office against the will of the President of the United States. He denies that the said order for the removal of the said Stanton was unlawfully issued. He denies that the said order was issued with intent to violate the act entitled

"An act regulating the tenure of certain civil offices." He denies that the said order was a violation of the last-mentioned act. He denies that the said order was a violation of the Constitution of the United States, or of any law thereof, or of his oath of office. He denies that the said order was issued with an intent to violate the Constitution of the United States, or any law thereof, or this respondent's oath of office; and he respectfully but earnestly insists that not only was it issued by him in the performance of what he believed to be an imperative official duty, but in the performance of what this honorable court will consider was, in point of fact, an imperative official duty. And he denies that any and all substantive matters in the said first article contained, in manner and form as the same are therein stated and set forth, do by law constitute a high misdemeanor in office within the true intent and meaning of the Constitution of the United States.

Answer to Article II.—And for answer to the second article this respondent says that he admits he did issue and deliver to said Lorenzo Thomas the said writing set forth in said second article, bearing date at Washington, D. C., February 21, 1868, addressed to Brevet Major-General Lorenzo Thomas, Adjutant-General United States Army, Washington, D. C., and he further admits that the same was so issued without the advice and consent of the Senate of the United States, then in session; but he denies that he thereby violated the Constitution of the United States or any law thereof, or that he did thereby intend to violate the Constitution of the United States or the provisions of any act of Congress; and this respondent refers to his answer to said first article for a full statement of the purposes and intentions with which said order was issued, and adopts the same as part of his answer to this article; and he further denies that there was then and there no vacancy in the said office of Secretary for the Department of War, or that he did then and there commit or was guilty of a high misdemeanor in office; and this respondent maintains and will insist—

1. That at the date and delivery of said writing there was a vacancy existing in the office of Secretary for the Department of War.

2. That notwithstanding the Senate of the United States was then in session, it was lawful and according to long and well-established usage to empower and authorize the said Thomas to act as Secretary of War *ad interim.*

3. That if the said act regulating the tenure of civil offices be held to be a valid law, no provision of the same was violated by the issuing of said order or by the designation of said Thomas to act as Secretary of War *ad interim.*

Answer to Article III.—And for answer to said third article this respondent says that he abides by his answer to said first and second articles in so far as the same are responsive to the allegations contained in the said third article, and, without here again repeating the same answer,

prays the same be taken as an answer to this third article as fully as if here again set out at length; and as to the new allegation contained in said third article, that this respondent did appoint the said Thomas to be Secretary for the Department of War *ad interim*, this respondent denies that he gave any other authority to said Thomas than such as appears in said written authority, set out in said article, by which he authorized and empowered said Thomas to act as Secretary for the Department of War *ad interim;* and he denies that the same amounts to an appointment, and insists that it is only a designation of an officer of that Department to act temporarily as Secretary for the Department of War *ad interim* until an appointment should be made. But whether the said written authority amounts to an appointment or to a temporary authority or designation, this respondent denies that in any sense he did thereby intend to violate the Constitution of the United States, or that he thereby intended to give the said order the character or effect of an appointment in the constitutional or legal sense of that term. He further denies that there was no vacancy in said office of Secretary for the Department of War existing at the date of said written authority.

Answer to Article IV.—And for answer to said fourth article this respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time or place, he did unlawfully conspire with the said Lorenzo Thomas, or with the said Thomas and any other person or persons, with intent, by intimidations and threats, unlawfully to hinder and prevent the said Stanton from holding said office of Secretary for the Department of War, in violation of the Constitution of the United States or of the provisions of the said act of Congress in said article mentioned, or that he did then and there commit or was guilty of a high crime in office. On the contrary thereof, protesting that the said Stanton was not then and there lawfully the Secretary for the Department of War, this respondent states that his sole purpose in authorizing the said Thomas to act as Secretary for the Department of War *ad interim* was, as is fully stated in his answer to the said first article, to bring the question of the right of the said Stanton to hold said office, notwithstanding his said suspension, and notwithstanding the said order of removal, and notwithstanding the said authority of the said Thomas to act as Secretary of War *ad interim*, to the test of a final decision by the Supreme Court of the United States in the earliest practicable mode by which the question could be brought before that tribunal.

This respondent did not conspire or agree with the said Thomas, or any other person or persons, to use intimidation or threats to hinder or prevent the said Stanton from holding the said office of Secretary for the Department of War, nor did this respondent at any time command or advise the said Thomas, or any other person or persons, to resort to or use either threats or intimidation for that purpose. The only means in the contemplation or purpose of respondent to be used are set forth fully in the said

orders of February 21, the first addressed to Mr. Stanton and the second to the said Thomas. By the first order the respondent notified Mr. Stanton that he was removed from the said office and that his functions as Secretary for the Department of War were to terminate upon the receipt of that order; and he also thereby notified the said Stanton that the said Thomas had been authorized to act as Secretary for the Department of War *ad interim*, and ordered the said Stanton to transfer to him all the records, books, papers, and other public property in his custody and charge; and by the second order this respondent notified the said Thomas of the removal from office of the said Stanton, and authorized him to act as Secretary for the Department of War *ad interim*, and directed him to immediately enter upon the discharge of the duties pertaining to that office and to receive the transfer of all the records, books, papers, and other public property from Mr. Stanton then in his custody and charge.

Respondent gave no instructions to the said Thomas to use intimidation or threats to enforce obedience to these orders. He gave him no authority to call in the aid of the military or any other force to enable him to obtain possession of the office or of the books, papers, records, or property thereof. The only agency resorted to, or intended to be resorted to, was by means of the said Executive orders requiring obedience. But the Secretary for the Department of War refused to obey these orders, and still holds undisturbed possession and custody of that Department and of the records, books, papers, and other public property therein. Respondent further states that in execution of the orders so by this respondent given to the said Thomas he, the said Thomas, proceeded in a peaceful manner to demand of the said Stanton a surrender to him of the public property in the said Department, and to vacate the possession of the same, and to allow him, the said Thomas, peaceably to exercise the duties devolved upon him by authority of the President. That, as this respondent has been informed and believes, the said Stanton peremptorily refused obedience to the orders so issued. Upon such refusal no force or threat of force was used by the said Thomas, by authority of the President or otherwise, to enforce obedience, either then or at any subsequent time.

This respondent doth here except to the sufficiency of the allegations contained in said fourth article, and states for ground of exception that it is not stated that there was any agreement between this respondent and the said Thomas, or any other person or persons, to use intimidation and threats, nor is there any allegation as to the nature of said intimidation and threats, or that there was any agreement to carry them into execution, or that any step was taken or agreed to be taken to carry them into execution; and that the allegation in said article that the intent of said conspiracy was to use intimidation and threats is wholly insufficient, inasmuch as it is not alleged that the said intent formed the basis or

became part of any agreement between the said alleged conspirators; and, furthermore, that there is no allegation of any conspiracy or agreement to use intimidation or threats.

Answer to Article V.—And for answer to the said fifth article this respondent denies that on the said 21st day of February, 1868, or at any other time or times in the same year before the said 2d day of March, 1868, or at any prior or subsequent time, at Washington aforesaid, or at any other place, this respondent did unlawfully conspire with the said Thomas, or with any other person or persons, to prevent or hinder the execution of the said act entitled "An act regulating the tenure of certain civil offices," or that, in pursuance of said alleged conspiracy, he did unlawfully attempt to prevent the said Edwin M. Stanton from holding the said office of Secretary for the Department of War, or that he did thereby commit, or that he was thereby guilty of, a high misdemeanor in office. Respondent, protesting that said Stanton was not then and there Secretary for the Department of War, begs leave to refer to his answer given to the fourth article and to his answer to the first article as to his intent and purpose in issuing the orders for the removal of Mr. Stanton and the authority given to the said Thomas, and prays equal benefit therefrom as if the same were here again repeated and fully set forth.

And this respondent excepts to the sufficiency of the said fifth article, and states his ground for such exception that it is not alleged by what means or by what agreement the said alleged conspiracy was formed or agreed to be carried out, or in what way the same was attempted to be carried out, or what were the acts done in pursuance thereof.

Answer to Article VI.—And for answer to the said sixth article this respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time or place, he did unlawfully conspire with the said Thomas by force to seize, take, or possess the property of the United States in the Department of War, contrary to the provisions of the said acts referred to in the said article, or either of them, or with intent to violate either of them. Respondent, protesting that said Stanton was not then and there Secretary for the Department of War, not only denies the said conspiracy as charged, but also denies any unlawful intent in reference to the custody and charge of the property of the United States in the said Department of War, and again refers to his former answers for a full statement of his intent and purpose in the premises.

Answer to Article VII.—And for answer to the said seventh article respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time and place, he did unlawfully conspire with the said Thomas with intent unlawfully to seize, take, or possess the property of the United States in the Department of War, with intent to violate or disregard the said act in the said seventh article referred to, or that he did then and there commit a high misdemeanor in

office. Respondent, protesting that the said Stanton was not then and there Secretary for the Department of War, again refers to his former answers, in so far as they are applicable, to show the intent with which he proceeded in the premises, and prays equal benefit therefrom as if the same were here again fully repeated. Respondent further takes exception to the sufficiency of the allegations of this article as to the conspiracy alleged upon the same grounds as stated in the exception set forth in his answer to said article fourth.

Answer to Article VIII.—And for answer to the said eighth article this respondent denies that on the 21st day of February, 1868, at Washington aforesaid, or at any other time and place, he did issue and deliver to the said Thomas the said letter of authority set forth in the said eighth article with the intent unlawfully to control the disbursements of the money appropriated for the military service and for the Department of War. This respondent, protesting that there was a vacancy in the office of Secretary of War, admits that he did issue the said letter of authority, and he denies that the same was with any unlawful intent whatever, either to violate the Constitution of the United States or any act of Congress. On the contrary, this respondent again affirms that his sole intent was to vindicate his authority as President of the United States, and by peaceful means to bring the question of the right of the said Stanton to continue to hold the said office of Secretary of War to a final decision before the Supreme Court of the United States, as has been hereinbefore set forth; and he prays the same benefit from his answer in the premises as if the same were here again repeated at length.

Answer to Article IX.—And for answer to the said ninth article the respondent states that on the said 22d day of February, 1868, the following note was addressed to the said Emory by the private secretary of the respondent:

EXECUTIVE MANSION,
WASHINGTON, D. C.,
February 22, 1868.

GENERAL: The President directs me to say that he will be pleased to have you call upon him as early as practicable.

Respectfully and truly, yours,

WILLIAM G. MOORE,
United States Army.

General Emory called at the Executive Mansion according to this request. The object of respondent was to be advised by General Emory, as commander of the Department of Washington, what changes had been made in the military affairs of the department. Respondent had been informed that various changes had been made which in no wise had been brought to his notice or reported to him from the Department of War or from any other quarter, and desired to ascertain the facts. After the said Emory had explained in detail the changes which had taken

place, said Emory called the attention of respondent to a general order which he referred to, and which this respondent then sent for, when it was produced. It is as follows:

GENERAL ORDERS, No. 17.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1867.

The following acts of Congress are published for the information and government of all concerned:

* * * * * * *

"II.—PUBLIC—No. 85.

"AN ACT making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

* * * * * * *

"SEC. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and in case of his inability through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years upon conviction thereof in any court of competent jurisdiction.

* * * * * * *

'Approved, March 2, 1867."

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Official:

———— ————,
Assistant Adjutant-General.

General Emory not only called the attention of respondent to this order, but to the fact that it was in conformity with a section contained in an appropriation act passed by Congress. Respondent, after reading the order, observed:

This is not in accordance with the Constitution of the United States, which makes me Commander in Chief of the Army and Navy, or of the language of the commission which you hold.

General Emory then stated that this order had met the respondent's approval. Respondent then said in reply, in substance:

Am I to understand that the President of the United States can not give an order but through the General in Chief, or General Grant?

General Emory again reiterated the statement that it had met respondent's approval, and that it was the opinion of some of the leading lawyers of the country that this order was constitutional. With some further conversation, respondent then inquired the names of the lawyers who had given the opinion, and he mentioned the names of two. Respondent then said that the object of the law was very evident, referring to the clause in the appropriation act upon which the order purported to be based. This, according to respondent's recollection, was the substance of the conversation had with General Emory.

Respondent denies that any allegations in the said article of any instructions or declarations given to the said Emory then or at any other time contrary to or in addition to what is hereinbefore set forth are true. Respondent denies that in said conversation with said Emory he had any other intent than to express the opinion then given to the said Emory, nor did he then or at any time request or order the said Emory to disobey any law or any order issued in conformity with any law, or intend to offer any inducement to the said Emory to violate any law. What this respondent then said to General Emory was simply the expression of an opinion which he then fully believed to be sound, and which he yet believes to be so, and that is that by the express provisions of the Constitution this respondent, as President, is made the Commander in Chief of the armies of the United States, and as such he is to be respected, and that his orders, whether issued through the War Department, or through the General in Chief, or by any other channel of communication, are entitled to respect and obedience, and that such constitutional power can not be taken from him by virtue of any act of Congress. Respondent doth therefore deny that by the expression of such opinion he did commit or was guilty of a high misdemeanor in office; and the respondent doth further say that the said Article IX lays no foundation whatever for the conclusion stated in the said article, that the respondent, by reason of the allegations therein contained, was guilty of a high misdemeanor in office.

In reference to the statement made by General Emory that this respondent had approved of said act of Congress containing the section referred to, the respondent admits that his formal approval was given to said act, but accompanied the same by the following message, addressed and sent with the act to the House of Representatives, in which House the said act originated, and from which it came to respondent:

To the House of Representatives: WASHINGTON, D. C., *March 2, 1867.*

The act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," contains provisions to which I must call attention. These provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander in Chief of the Army, and in the sixth section, which denies to ten States of the Union their constitutional right to protect themselves in any emer-

gency by means of their own militia. These provisions are out of place in an appropriation act, but I am compelled to defeat these necessary appropriations if I withhold my signature from the act. Pressed by these considerations, I feel constrained to return the bill with my signature, but to accompany it with my earnest protest against the sections which I have indicated.

Respondent, therefore, did no more than to express to said Emory the same opinion which he had so expressed to the House of Representatives.

Answer to Article X.—And in answer to the tenth article and specifications thereof the respondent says that on the 14th and 15th days of August, in the year 1866, a political convention of delegates from all or most of the States and Territories of the Union was held in the city of Philadelphia, under the name and style of the National Union Convention, for the purpose of maintaining and advancing certain political views and opinions before the people of the United States, and for their support and adoption in the exercise of the constitutional suffrage in the elections of Representatives and Delegates in Congress which were soon to occur in many of the States and Territories of the Union; which said convention, in the course of its proceedings, and in furtherance of the objects of the same, adopted a "Declaration of principles" and "An address to the people of the United States," and appointed a committee of two of its members from each State and of one from each Territory and one from the District of Columbia to wait upon the President of the United States and present to him a copy of the proceedings of the convention; that on the 18th day of said month of August this committee waited upon the President of the United States at the Executive Mansion, and was received by him in one of the rooms thereof, and by their chairman, Hon. Reverdy Johnson, then and now a Senator of the United States, acting and speaking in their behalf, presented a copy of the proceedings of the convention and addressed the President of the United States in a speech of which a copy (according to a published report of the same, and, as the respondent believes, substantially a correct report) is hereto annexed as a part of this answer, and marked Exhibit C.

That thereupon, and in reply to the address of said committee by their chairman, this respondent addressed the said committee so waiting upon him in one of the rooms of the Executive Mansion; and this respondent believes that this his address to said committee is the occasion referred to in the first specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech or address of this respondent upon said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said first specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof

shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article and the specifications thereof, says that at Cleveland, in the State of Ohio, and on the 3d day of September, in the year 1866, he was attended by a large assemblage of his fellow-citizens, and in deference and obedience to their call and demand he addressed them upon matters of public and political consideration; and this respondent believes that said occasion and address are referred to in the second specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech of this respondent on said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said second specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article and the specifications thereof, says that at St. Louis, in the State of Missouri, and on the 8th day of September, in the year 1866, he was attended by a numerous assemblage of his fellow-citizens, and in deference and obedience to their call and demand he addressed them upon matters of public and political consideration; and this respondent believes that said occasion and address are referred to in the third specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech of this respondent on said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said third specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that the said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article, protesting that he has not been unmindful of the high duties of his office or of the harmony or courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States, denies that he has ever intended or designed to set aside the right-

ful authority or powers of Congress, or attempted to bring into disgrace, ridicule, hatred, contempt, or reproach the Congress of the United States, or either branch thereof, or to impair or destroy the regard or respect of all or any of the good people of the United States for the Congress or the rightful legislative power thereof, or to excite the odium or resentment of all or any of the good people of the United States against Congress and the laws by it duly and constitutionally enacted. This respondent further says that at all times he has, in his official acts as President, recognized the authority of the several Congresses of the United States as constituted and organized during his administration of the office of President of the United States.

And this respondent, further answering, says that he has from time to time, under his constitutional right and duty as President of the United States, communicated to Congress his views and opinions in regard to such acts or resolutions thereof as, being submitted to him as President of the United States in pursuance of the Constitution, seemed to this respondent to require such communications; and he has from time to time, in the exercise of that freedom of speech which belongs to him as a citizen of the United States, and, in his political relations as President of the United States to the people of the United States, is upon fit occasions a duty of the highest obligation, expressed to his fellow-citizens his views and opinions respecting the measures and proceedings of Congress; and that in such addresses to his fellow-citizens and in such his communications to Congress he has expressed his views, opinions, and judgment of and concerning the actual constitution of the two Houses of Congress, without representation therein of certain States of the Union, and of the effect that in wisdom and justice, in the opinion and judgment of this respondent, Congress in its legislation and proceedings should give to this political circumstance; and whatsoever he has thus communicated to Congress or addressed to his fellow-citizens or any assemblage thereof this respondent says was and is within and according to his right and privilege as an American citizen and his right and duty as President of the United States.

And this respondent, not waiving or at all disparaging his right of freedom of opinion and of freedom of speech, as hereinbefore or hereinafter more particularly set forth, but claiming and insisting upon the same, further answering the said tenth article, says that the views and opinions expressed by this respondent in his said addresses to the assemblages of his fellow-citizens, as in said articles or in this answer thereto mentioned, are not and were not intended to be other or different from those expressed by him in his communications to Congress—that the eleven States lately in insurrection never had ceased to be States of the Union, and that they were then entitled to representation in Congress by loyal Representatives and Senators as fully as the other States of the Union, and that consequently the Congress as then constituted was not in

fact a Congress of all the States, but a Congress of only a part of the States. This respondent, always protesting against the unauthorized exclusion therefrom of the said eleven States, nevertheless gave his assent to all laws passed by said Congress which did not, in his opinion and judgment, violate the Constitution, exercising his constitutional authority of returning bills to said Congress with his objections when they appeared to him to be unconstitutional or inexpedient.

And further, this respondent has also expressed the opinion, both in his communications to Congress and in his addresses to the people, that the policy adopted by Congress in reference to the States lately in insurrection did not tend to peace, harmony, and union, but, on the contrary, did tend to disunion and the permanent disruption of the States, and that in following its said policy laws had been passed by Congress in violation of the fundamental principles of the Government, and which tended to consolidation and despotism; and such being his deliberate opinions, he would have felt himself unmindful of the high duties of his office if he had failed to express them in his communications to Congress or in his addresses to the people when called upon by them to express his opinions on matters of public and political consideration.

And this respondent, further answering the tenth article, says that he has always claimed and insisted, and now claims and insists, that both in the personal and private capacity of a citizen of the United States and in the political relations of the President of the United States to the people of the United States, whose servant, under the duties and responsibilities of the Constitution of the United States, the President of the United States is and should always remain, this respondent had and has the full right, and in his office of President of the United States is held to the high duty, of forming, and on fit occasions expressing, opinions of and concerning the legislation of Congress, proposed or completed, in respect of its wisdom, expediency, justice, worthiness, objects, purposes, and public and political motives and tendencies, and within and as a part of such right and duty to form, and on fit occasions to express, opinions of and concerning the public character and conduct, views, purposes, objects, motives, and tendencies of all men engaged in the public service, as well in Congress as otherwise, and under no other rules or limits upon this right of freedom of opinion and of freedom of speech, or of responsibility and amenability for the actual exercise of such freedom of opinion and freedom of speech, than attend upon such rights and their exercise on the part of all other citizens of the United States and on the part of all their public servants.

And this respondent, further answering said tenth article, says that the several occasions on which, as is alleged in the several specifications of said article, this respondent addressed his fellow-citizens on subjects of public and political considerations were not, nor was any one of them, sought or planned by this respondent, but, on the contrary, each of said occasions arose upon the exercise of a lawful and accustomed right of the

people of the United States to call upon their public servants and express to them their opinions, wishes, and feelings upon matters of public and political consideration, and to invite from such their public servants an expression of their opinions, views, and feelings on matters of public and political consideration; and this respondent claims and insists before this honorable court, and before all the people of the United States, that of or concerning this his right of freedom of opinion and of freedom of speech, and this his exercise of such rights on all matters of public and political consideration, and in respect of all public servants or persons whatsoever engaged in or connected therewith, this respondent, as a citizen or as President of the United States, is not subject to question, inquisition, impeachment, or inculpation in any form or manner whatsoever.

And this respondent says that neither the said tenth article nor any specification thereof nor any allegation therein contained touches or relates to any official act or doing of this respondent in the office of President of the United States or in the discharge of any of its constitutional or legal duties or responsibilities; but said article and the specifications and allegations thereof, wholly and in every part thereof, question only the discretion or propriety of freedom of opinion or freedom of speech as exercised by this respondent as a citizen of the United States in his personal right and capacity, and without allegation or imputation against this respondent of the violation of any law of the United States touching or relating to freedom of speech or its exercise by the citizens of the United States or by this respondent as one of the said citizens or otherwise; and he denies that by reason of any matter in said article or its specifications alleged he has said or done anything indecent or unbecoming in the Chief Magistrate of the United States, or that he has brought the high office of President of the United States into contempt, ridicule, or disgrace, or that he has committed or has been guilty of a high misdemeanor in office.

Answer to Article XI.—And in answer to the eleventh article this respondent denies that on the 18th day of August, in the year 1866, at the city of Washington, in the District of Columbia, he did, by public speech or otherwise, declare or affirm, in substance or at all, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, or that he did then and there declare or affirm that the said Thirty-ninth Congress was a Congress of only part of the States in any sense or meaning other than that ten States of the Union were denied representation therein, or that he made any or either of the declarations or affirmations in this behalf in the said article alleged as denying or intending to deny that the legislation of said Thirty-ninth Congress was valid or obligatory upon this respondent except so far as this respondent saw fit to approve the same; and as to the allegation in said article that he did thereby intend or mean to be understood that the said Congress had not power to propose amendments to the Constitution, this respondent

says that in said address he said nothing in reference to the subject of amendments of the Constitution, nor was the question of the competency of the said Congress to propose such amendments, without the participation of said excluded States, at the time of said address in any way mentioned or considered or referred to by this respondent, nor in what he did say had he any intent regarding the same; and he denies the allegations so made to the contrary thereof. But this respondent, in further answer to and in respect of the said allegations of the said eleventh article hereinbefore traversed and denied, claims and insists upon his personal and official right of freedom of opinion and freedom of speech, and his duty in his political relations as President of the United States to the people of the United States in the exercise of such freedom of opinion and freedom of speech, in the same manner, form, and effect as he has in this behalf stated the same in his answer to the said tenth article, and with the same effect as if he here repeated the same; and he further claims and insists, as in said answer to said tenth article he has claimed and insisted, that he is not subject to question, inquisition, impeachment or inculpation, in any form or manner, of or concerning such rights of freedom of opinion or freedom of speech, or his said alleged exercise thereof.

And this respondent further denies that on the 21st day of February, in the year 1868, or at any other time, at the city of Washington, in the District of Columbia, in pursuance of any such declaration as in that behalf in said eleventh article alleged, or otherwise, he did unlawfully, and in disregard of the requirement of the Constitution that he should take care that the laws should be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising or contriving, or attempting to devise or contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of Secretary for the Department of War, or by unlawfully devising or contriving, or attempting to devise or contrive, means to prevent the execution of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1868, and for other purposes," approved March 2, 1867, or to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867.

And this respondent, further answering the said eleventh article, says that he has in his answer to the first article set forth in detail the acts, steps, and proceedings done and taken by this respondent to and toward or in the matter of the suspension or removal of the said Edwin M. Stanton in or from the office of Secretary for the Department of War, with the times, modes, circumstances, intents, views, purposes, and opinions of official obligations and duty under and with which such acts, steps, and proceedings were done and taken; and he makes answer to this

eleventh article of the matters in his answer to the first article pertaining to the suspension or removal of said Edwin M. Stanton, to the same intent and effect as if they were here repeated and set forth.

And this respondent, further answering the said eleventh article, denies that by means or reason of anything in said article alleged this respondent, as President of the United States, did, on the 21st day of February, 1868, or at any other day or time, commit or that he was guilty of a high misdemeanor in office.

And this respondent, further answering the said eleventh article, says that the same and the matters therein contained do not charge or allege the commission of any act whatever by this respondent in his office of President of the United States, nor the omission by this respondent of any act of official obligation or duty in his office of President of the United States; nor does the said article nor the matters therein contained name, designate, describe, or define any act or mode or form of attempt, device, contrivance, or means, or of attempt at device, contrivance, or means, whereby this respondent can know or understand what act or mode or form of attempt, device, contrivance, or means, or of attempt at device, contrivance, or means, are imputed to or charged against this respondent in his office of President of the United States, or intended so to be, or whereby this respondent can more fully or definitely make answer unto the said article than he hereby does.

And this respondent, in submitting to this honorable court this his answer to the articles of impeachment exhibited against him, respectfully reserves leave to amend and add to the same from time to time, as may become necessary or proper, and when and as such necessity and propriety shall appear.

ANDREW JOHNSON.

HENRY STANBERY,
B. R. CURTIS,
THOMAS A. R. NELSON,
WILLIAM M. EVARTS,
W. S. GROESBECK,
Of Counsel.

[For Exhibits A and B see veto message of March 2, 1867, pp. 492–498 and special message of December 12, 1867, pp. 583–594.]

EXHIBIT C.

ADDRESS TO THE PRESIDENT BY HON. REVERDY JOHNSON, AUGUST, 18, 1866.

Mr. PRESIDENT: We are before you as a committee of the National Union Convention, which met in Philadelphia on Tuesday, the 14th instant, charged with the duty of presenting you with an authentic copy of its proceedings.

Before placing it in your hands you will permit us to congratulate you that in the object for which the convention was called, in the enthusiasm with which in every State and Territory the call was responded to, in the unbroken harmony of its deliberations, in the unanimity with which the principles it has declared were adopted, and more especially in the patriotic and constitutional character of the principles themselves, we are confident that you and the country will find gratifying and cheering evidence that there exists among the people a public sentiment which renders an early and complete restoration of the Union as established by the Constitution certain and inevitable. Party faction, seeking the continuance of its misrule, may momentarily delay it, but the principles of political liberty for which our fathers successfully contended, and to secure which they adopted the Constitution, are so glaringly inconsistent with the condition in which the country has been placed by such misrule that it will not be permitted a much longer duration.

We wish, Mr. President, you could have witnessed the spirit of concord and brotherly affection which animated every member of the convention. Great as your confidence has ever been in the intelligence and patriotism of your fellow-citizens, in their deep devotion to the Union and their present determination to reinstate and maintain it, that confidence would have become a positive conviction could you have seen and heard all that was done and said upon the occasion. Every heart was evidently full of joy; every eye beamed with patriotic animation; despondency gave place to the assurance that, our late dreadful civil strife ended, the blissful reign of peace, under the protection, not of arms, but of the Constitution and laws, would have sway, and be in every part of our land cheerfully acknowledged and in perfect good faith obeyed. You would not have doubted that the recurrence of dangerous domestic insurrections in the future is not to be apprehended.

If you could have seen the men of Massachusetts and South Carolina coming into the convention on the first day of its meeting hand in hand, amid the rapturous applause of the whole body, awakened by heartfelt gratification at the event, filling the eyes of thousands with tears of joy, which they neither could nor desired to repress, you would have felt, as every person present felt, that the time had arrived when all sectional or other perilous dissensions had ceased, and that nothing should be heard in the future but the voice of harmony proclaiming devotion to a common country, of pride in being bound together by a common Union, existing and protected by forms of government proved by experience to be eminently fitted for the exigencies of either war or peace.

In the principles announced by the convention and in the feeling there manifested we have every assurance that harmony throughout our entire land will soon prevail. We know that as in former days, as was eloquently declared by Webster, the nation's most gifted statesman, Massachusetts and South Carolina went "shoulder to shoulder through the

Revolution" and stood hand in hand "around the Administration of Washington and felt his own great arm lean on them for support," so will they again, with like magnanimity, devotion, and power, stand round your Administration and cause you to feel that you may also lean on them for support.

In the proceedings, Mr. President, which we are to place in your hands you will find that the convention performed the grateful duty imposed upon them by their knowledge of your "devotion to the Constitution and laws and interests of your country," as illustrated by your entire Presidential career, of declaring that in you they "recognize a Chief Magistrate worthy of the nation and equal to the great crisis upon which your lot is cast;" and in this declaration it gives us marked pleasure to add we are confident that the convention has but spoken the intelligent and patriotic sentiment of the country. Ever inaccessible to the low influences which often control the mere partisan, governed alone by an honest opinion of constitutional obligations and rights and of the duty of looking solely to the true interests, safety, and honor of the nation, such a class is incapable of resorting to any bait for popularity at the expense of the public good.

In the measures which you have adopted for the restoration of the Union the convention saw only a continuance of the policy which for the same purpose was inaugurated by your immediate predecessor. In his reelection by the people, after that policy had been fully indicated and had been made one of the issues of the contest, those of his political friends who are now assailing you for sternly pursuing it are forgetful or regardless of the opinions which their support of his reelection necessarily involved. Being upon the same ticket with that much-lamented public servant, whose foul assassination touched the heart of the civilized world with grief and horror, you would have been false to obvious duty if you had not endeavored to carry out the same policy; and, judging now by the opposite one which Congress has pursued, its wisdom and patriotism are indicated by the fact that that of Congress has but continued a broken Union by keeping ten of the States in which at one time the insurrection existed (as far as they could accomplish it) in the condition of subjugated provinces, denying to them the right to be represented, while subjecting their people to every species of legislation, including that of taxation. That such a state of things is at war with the very genius of our Government, inconsistent with every idea of political freedom, and most perilous to the peace and safety of the country no reflecting man can fail to believe.

We hope, sir, that the proceedings of the convention will cause you to adhere, if possible, with even greater firmness to the course which you are pursuing, by satisfying you that the people are with you, and that the wish which lies nearest to their heart is that a perfect restoration of our Union at the earliest moment be attained, and a conviction that the

result can only be accomplished by the measures which you are pursuing. And in the discharge of the duties which these impose upon you we, as did every member of the convention, again for ourselves individually tender to you our profound respect and assurance of our cordial and sincere support.

With a reunited Union, with no foot but that of a freeman treading or permitted to tread our soil, with a nation's faith pledged forever to a strict observance of all its obligations, with kindness and fraternal love everywhere prevailing, the desolations of war will soon be removed; its sacrifices of life, sad as they have been, will, with Christian resignation, be referred to a providential purpose of fixing our beloved country on a firm and enduring basis, which will forever place our liberty and happiness beyond the reach of human peril.

Then, too, and forever, will our Government challenge the admiration and receive the respect of the nations of the world, and be in no danger of any efforts to impeach our honor.

And permit me, sir, in conclusion, to add that, great as is your solicitude for the restoration of our domestic peace and your labors to that end, you have also a watchful eye to the rights of the nation, and that any attempt by an assumed or actual foreign power to enforce an illegal blockade against the Government or citizens of the United States, to use your own mild but expressive words, "will be disallowed." In this determination I am sure you will receive the unanimous approval of your fellow-citizens.

Now, sir, as the chairman of this committee, and in behalf of the convention, I have the honor to present you with an authentic copy of its proceedings.

Counsel for the respondent submitted the following motion:

To the Senate of the United States sitting as a court of impeachment:

And now, on this 23d day of March, in the year 1868, the counsel for the President of the United States, upon reading and filing his answer to the articles of impeachment exhibited against him, respectfully represent to the honorable court that after the replication shall have been filed to the said answer the due and proper preparation of and for the trial of the cause will require, in the opinion and judgment of such counsel, that a period of not less than thirty days should be allowed to the President of the United States and his counsel for such preparation, and before the said trial should proceed.

HENRY STANBERY,
B. R. CURTIS,
THOMAS A. R. NELSON,
WM. M. EVARTS,
W. S. GROESBECK,
Of Counsel.

TUESDAY, MARCH 24, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

REPLICATION BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES TO THE ANSWER OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES.

The House of Representatives of the United States have considered the several answers of Andrew Johnson, President of the United States, to the several articles of impeachment against him, by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantage of exception to the insufficiency of his answer to each and all of the several articles of impeachment exhibited against said Andrew Johnson, President of the United States, do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against said Andrew Johnson in the said articles of impeachment, or either of them, and for replication to the said answer do say that said Andrew Johnson, President of the United States, is guilty of the high crimes and misdemeanors mentioned in said articles, and that the House of Representatives are ready to prove the same.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
EDW'D McPHERSON,
Clerk of the House of Representatives.

The motion of the counsel for the respondent, submitted on March 23, "that a period of not less than thirty days should be allowed to the President of the United States and his counsel for such preparation and before the said trial should proceed," was denied, and it was

Ordered, That the Senate will commence the trial of the President upon the articles of impeachment exhibited against him on Monday, the 30th of March instant, and proceed therein with all convenient dispatch under the rules of the Senate sitting upon the trial of an impeachment.

MONDAY, MAY 11, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Chief Justice stated that in compliance with the desire of the Senate he had prepared the question to be addressed to Senators upon each article of impeachment, and that he had reduced his views thereon to writing, which he read, as follows:

SENATORS: In conformity with what seemed to be the general wish of the Senate when it adjourned last Thursday, the Chief Justice, in taking

the vote on the articles of impeachment, will adopt the mode sanctioned by the practice in the cases of Chase, Peck, and Humphreys.

He will direct the Secretary to read the several articles successively, and after the reading of each article will put the question of guilty or not guilty to each Senator, rising in his place, in the form used in the case of Judge Chase:

> Mr. Senator ———, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?

In putting the question on Articles IV and VI, each of which charges a crime, the word "crime" will be substituted for the word "misdemeanor."

The Chief Justice has carefully considered the suggestion of the Senator from Indiana (Mr. Hendricks), which appeared to meet the approval of the Senate, that in taking the vote on the eleventh article the question should be put on each clause, and has found himself unable to divide the article as suggested. The article charges several facts, but they are so connected that they make but one allegation and they are charged as constituting one misdemeanor.

The first fact charged is, in substance, that the President publicly declared in August, 1866, that the Thirty-ninth Congress was a Congress of only part of the States and not a constitutional Congress, intending thereby to deny its constitutional competency to enact laws or propose amendments of the Constitution; and this charge seems to have been made as introductory, and as qualifying that which follows, namely, that the President, in pursuance of this declaration, attempted to prevent the execution of the tenure-of-office act by contriving and attempting to contrive means to prevent Mr. Stanton from resuming the functions of Secretary of War after the refusal of the Senate to concur in his suspension, and also by contriving and attempting to contrive means to prevent the execution of the appropriation act of March 2, 1867, and also to prevent the execution of the rebel States governments act of the same date.

The gravamen of the article seems to be that the President attempted to defeat the execution of the tenure-of-office act, and that he did this in pursuance of a declaration which was intended to deny the constitutional competency of Congress to enact laws or propose constitutional amendments, and by contriving means to prevent Mr. Stanton from resuming his office of Secretary, and also to prevent the execution of the appropriation act and the rebel States governments act.

The single substantive matter charged is the attempt to prevent the execution of the tenure-of-office act, and the other facts are alleged either as introductory and exhibiting this general purpose or as showing the means contrived in furtherance of that attempt.

This single matter, connected with the other matters previously and

subsequently alleged, is charged as the high misdemeanor of which the President is alleged to have been guilty.

The general question, guilty or not guilty of a high misdemeanor as charged, seems fully to cover the whole charge, and will be put as to this article as well as to the others, unless the Senate direct some mode of division.

In the tenth article the division suggested by the Senator from New York (Mr. Conkling) may be more easily made. It contains a general allegation to the effect that on the 18th of August and on other days the President, with intent to set aside the rightful authority of Congress and bring it into contempt, delivered certain scandalous harangues, and therein uttered loud threats and bitter menaces against Congress and the laws of the United States enacted by Congress, thereby bringing the office of President into disgrace, to the great scandal of all good citizens, and sets forth in three distinct specifications the harangues, threats, and menaces complained of.

In respect to this article, if the Senate sees fit so to direct, the question of guilty or not guilty of the facts charged may be taken in respect to the several specifications, and then the question of guilty or not guilty of a high misdemeanor, as charged in the article, can also be taken.

The Chief Justice, however, sees no objection to putting the general question on this article in the same manner as on the others; for, whether particular questions be put on the specifications or not, the answer to the final question must be determined by the judgment of the Senate whether or not the facts alleged in the specifications have been sufficiently proved, and whether, if sufficiently proved, they amount to a high misdemeanor within the meaning of the Constitution.

On the whole, therefore, the Chief Justice thinks that the better practice will be to put the general question on each article without attempting to make any subdivision, and will pursue this course if no objection is made. He will, however, be pleased to conform to such directions as the Senate may see fit to give in this respect.

Whereupon it was

Ordered, That the question be put as proposed by the Presiding Officer of the Senate, and each Senator shall rise in his place and answer "guilty" or "not guilty" only.

SATURDAY, MAY 16, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Chief Justice stated that, in pursuance of the order of the Senate, he would first proceed to take the judgment of the Senate on the eleventh article. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds,

Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Williams, Willey, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the eleventh article of impeachment.

TUESDAY, MAY 26, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Senate ordered that the vote be taken upon the second article of impeachment. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators had voted "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the second article of impeachment.

The Senate ordered that the vote be taken upon the third article of impeachment. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators had voted "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the third article.

No objection being made, the secretary, by direction of the Chief Justice, entered the judgment of the Senate upon the second, third, and eleventh articles, as follows:

The Senate having tried Andrew Johnson, President of the United States, upon articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained in the second, third, and eleventh articles of impeachment, it is therefore

Ordered and adjudged, That the said Andrew Johnson, President of the United States, be, and he is, acquitted of the charges in said articles made and set forth.

A motion "that the Senate sitting for the trial of the President upon articles of impeachment do now adjourn without day" was adopted by a vote of 34 yeas to 16 nays.

Those who voted in the affirmative are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Van Winkle, Wade, Willey, Williams, Wilson, and Yates.

Those who voted in the negative are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fowler, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, and Vickers.

The Chief Justice declared the Senate sitting as a court of impeachment for the trial of Andrew Johnson, President of the United States, upon articles of impeachment exhibited against him by the House of Representatives, adjourned without day.

ADDENDA.

[An injunction of secrecy having been placed upon the following messages by the Senate, they were not printed in the Executive Journal covering their period, but were found in the unprinted Executive Journal of the Forty-first Congress while searching for copy for Volume VII, and consequently too late for insertion in their proper places in this volume.]

WASHINGTON, *January 29, 1869.*

To the Senate:

Referring to the three Executive communications of the 15th instant, with which were transmitted to the Senate, respectively, a copy of a convention between the United States and Great Britain upon the subject of claims, a copy of a convention between the same parties in relation to the question of boundary, and a protocol of a treaty between the same parties concerning the rights of naturalized citizens and subjects of the respective parties, I now transmit a copy of such correspondence upon those subjects as has not been heretofore communicated to the Senate.

In the progress of the negotiation the three subjects became to such a degree associated with each other that it would be difficult to present separately the correspondence upon each. The papers are therefore transmitted in the order in which they are mentioned in the accompanying list.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1869.*

To the Senate of the United States:

Referring to the Executive communication of the 15th instant, which was accompanied by a copy of a convention between the United States and Great Britain for the settlement of all outstanding claims, I now transmit to the Senate the original of that instrument, and a report of the Secretary of State pointing out the differences between the copy as submitted to the Senate and the original as signed by the plenipotentiaries.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1869.*

To the Senate of the United States:

Referring to the Executive communication of the 15th instant, which was accompanied by a copy of a convention between the United States and Great Britain providing for the reference to an arbiter of the question of difference between the United States and Great Britain concerning the northwest line of water boundary between the United States and the British possessions in North America, I now transmit to the Senate the original of that instrument, and a report of the Secretary of State pointing out the differences between the copy as submitted to the Senate and the original as signed by the plenipotentiaries.

ANDREW JOHNSON.

O

Ulysses S. Grant

March 4, 1869, to March 4, 1877

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

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Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

U. S. Grant.

GHT 1908 BY BUREAU OF NATIONAL LITERATURE AND ART

Ulysses S. Grant

Ulysses S. Grant was born at Point Pleasant, Clermont County, Ohio, April 27, 1822. He was of Scotch ancestry, but his family had been American in all its branches for several generations. Was a descendant of Mathew Grant, who arrived at Dorchester, Mass., in May, 1630. His father was Jesse R. Grant and his mother Hannah Simpson; they were married in Clermont County, Ohio, in June, 1821. In the fall of 1823 his parents removed to Georgetown, the county seat of Brown County, Ohio. Ulysses, the eldest of six children, spent his boyhood in assisting his father on the farm, which was more congenial than working in the tannery of which his father was proprietor. From an early age until 17 years old attended the subscription schools of Georgetown, except during the winters of 1836–37 and 1838–39, which were spent at schools in Maysville, Ky., and Ripley, Ohio. In the spring of 1839, at the age of 17, was appointed to a cadetship in the Military Academy at West Point by Thomas L. Hamer, a Member of Congress, and entered the Academy July 1, 1839. The name given him at birth was Hiram Ulysses, but he was always called by his middle name. Mr. Hamer, thinking Ulysses his first name, and that his middle name was probably that of his mother's family, inserted in the official appointment the name of Ulysses S. Grant. The officials of the Academy were notified by Cadet Grant of the error, but they did not feel authorized to correct it, and it was acquiesced in and became the name by which he was always known. Graduated from the Academy in 1843, twenty-first in a class of thirty-nine members. Was attached to the Fourth United States Infantry as brevet second lieutenant July 1, 1843; was appointed second lieutenant, Seventh Infantry, September 30, 1845, and transferred to the Fourth Infantry November 15, 1845. During the Mexican War (1846–1848) took part with his regiment in active service, and was in all the battles fought by Generals Scott and Taylor except that of Buena Vista. Was brevetted for gallant conduct at the battles of Palo Alto and Resaca de la Palma, but declined the honor. At the battle of Monterey distinguished himself by volunteering to run the gantlet and bring ammunition for the troops into the city. September 8, 1847, was appointed brevet first lieutenant

for gallant conduct at Molino del Rey. Acted as regimental quartermaster April 1, 1847, to July 23, 1848, and from November 17, 1848, to August 5, 1853. September 13, 1847, was brevetted captain for gallant conduct at the battle of Chapultepec, and on September 16 was appointed first lieutenant. At San Cosme was mentioned in special orders by his commanders—regimental, brigade, and division. After the Mexican War his regiment was sent to Pascagoula, Miss., and afterwards to Sacketts Harbor, N. Y., and Detroit, Mich. August 22, 1848, married Miss Julia Dent, of St. Louis, Mo. In 1852 his regiment was sent to the Pacific Coast. August 5, 1853, was appointed captain. Resigned July 31, 1854, and went to live on a farm near St. Louis, but in 1858 gave up farming on account of his health, and entered into the real-estate business in St. Louis. In May, 1860, removed to Galena, Ill., and became a clerk in his father's store. In April, 1861, after President Lincoln's call for troops, presided at a public meeting in Galena, which resulted in the organization of a company of volunteers, which he drilled and accompanied to Springfield, Ill. Was employed by Governor Yates in the adjutant-general's office, and appointed mustering officer. Offered his services to the National Government in a letter written May 24, 1861, but no answer was ever made to it. June 17, 1861, was appointed colonel of the Twenty-first Illinois Volunteers, and served until August 7, when he was appointed brigadier-general of volunteers by the President, his commission to date from May 17, 1861. Was assigned September 1 to command the District of Southeastern Missouri. September 4 established his headquarters at Cairo, and on the 6th captured Paducah, Ky. February 2, 1862, advanced from Cairo; on the 6th captured Fort Henry, and on the 16th Fort Donelson. Soon afterwards was made a major-general of volunteers, his commission dating from February 16. March 4 was relieved from his command and ordered to remain at Fort Henry, but on the 13th was restored. Commanded at the battle of Shiloh, April 6 and 7, 1862. General Halleck on April 11 assumed command of the combined armies, and General Grant became second in command during the advance upon and the siege of Corinth. In July Halleck became general in chief of all the armies, and General Grant was placed in command of the District of West Tennessee. In September fought the battle of Iuka, Miss., and in October the battle of Corinth. January 29, 1863, moved down the Mississippi River and took command of the troops opposite Vicksburg. On March 29 sent one corps of his army across the peninsula opposite Vicksburg, and on April 16 ran the batteries with seven gunboats and three transports. April 22 six other transports ran the batteries. His army was now below Vicksburg, and on the 29th bombarded Grand Gulf. May 1 fought the battle at Port Gibson, and on May 3 captured Grand Gulf. May 12 defeated the Confederates at Raymond, and on the 14th captured Jackson, Miss. After several engagements the Confederates were driven by him into Vicksburg, when

he began the siege of that city, which was surrendered July 4, 1863. On the same day was commissioned a major-general in the United States Army. In August went to New Orleans to confer with General Banks, and while reviewing the troops there was injured by his horse falling on him. About the middle of October was assigned to the command of the Military Division of the Mississippi, which included Rosecran's army at Chattanooga, Tenn. Arrived at Chattanooga October 23, and the next day issued orders which resulted in the battle of Wauhatchie on the 29th. Attacked the Confederates under General Bragg on November 23, and after three days' fighting captured Missionary Ridge, whereupon the Confederates retreated to Dalton, Ga. For his successes Congress, in December, 1863, passed a resolution of thanks to him and the officers and soldiers of his command, and presented him with a gold medal. The bill restoring the grade of lieutenant-general became a law in February, 1864, and on March 1 he was nominated for the position and was confirmed the succeeding day. On March 12 assumed command of all the armies of the United States, and immediately began the plan of campaign that kept all of the armies in motion until the war ended. About May 4, 1864, this campaign, the greatest of the war, began, and lasted until the surrender of the Confederates in April, 1865. During this period there were fought some of the bloodiest battles of the world. On April 9, 1865, General Lee surrendered his army at Appomattox, Va., to General Grant, who then displayed the greatest magnanimity to the Confederates, and won for himself from his late enemies their warmest gratitude. His magnanimity will always be remembered by the Confederate soldiers, and will stand in history as long as nobility of character shall be appreciated by mankind. On the closing of the war directed his attention to mustering out of service the great army under his command and the disposal of the enormous quantity of stores of the Government. In the discharge of his duties visited different sections of the country and was received everywhere with enthusiasm. The citizens of Philadelphia presented him with a handsome residence in that city; his old neighbors in Galena gave him a pretty home in their town; the people of New York presented to him a check for $105,000. In November and December, 1865, traveled through the Southern States, and made a report to the President upon the conditions there. In May, 1866, submitted a plan to the Government for the reorganization of the Regular Army of the United States, which became the basis of its reorganization. July 25 Congress passed an act creating the grade of general of the armies of the United States, and on the same day he was appointed to this rank. August 12, 1867, was appointed by President Johnson Secretary of War *ad interim*, which position he held until January 14, 1868. At the national convention of the Republican party which met in Chicago on May 20, 1868, was unanimously nominated for President on the first call of States. His letter of acceptance of that nomination was brief, and contained the

famous sentence, "Let us have peace." At the election in November was chosen to be President, receiving 214 electoral votes, while Horatio Seymour received 80. Was renominated by his party in national convention in Philadelphia June 6, 1872, and at the election in November received 286 electoral votes, against 66 which would have been cast for Horace Greeley if he had lived. Retired from office March 4, 1877. After his retirement made a journey into foreign countries, and was received with great distinction and pomp by all the governments and peoples he visited. An earnest effort was made to nominate him for a third term, but it failed. By special act of Congress passed March 3, 1885, was placed as general on the retired list of the Army. He died July 23, 1885, at Mount McGregor, N. Y., and was buried at Riverside Park, New York City, on the Hudson River.

FIRST INAUGURAL ADDRESS.

Citizens of the United States:

Your suffrages having elected me to the office of President of the United States, I have, in conformity to the Constitution of our country, taken the oath of office prescribed therein. I have taken this oath without mental reservation and with the determination to do to the best of my ability all that is required of me. The responsibilities of the position I feel, but accept them without fear. The office has come to me unsought; I commence its duties untrammeled. I bring to it a conscious desire and determination to fill it to the best of my ability to the satisfaction of the people.

On all leading questions agitating the public mind I will always express my views to Congress and urge them according to my judgment, and when I think it advisable will exercise the constitutional privilege of interposing a veto to defeat measures which I oppose; but all laws will be faithfully executed, whether they meet my approval or not.

I shall on all subjects have a policy to recommend, but none to enforce against the will of the people. Laws are to govern all alike—those opposed as well as those who favor them. I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution.

The country having just emerged from a great rebellion, many questions will come before it for settlement in the next four years which preceding Administrations have never had to deal with. In meeting these it is desirable that they should be approached calmly, without prejudice, hate, or sectional pride, remembering that the greatest good to the greatest number is the object to be attained.

This requires security of person, property, and free religious and political opinion in every part of our common country, without regard to local prejudice. All laws to secure these ends will receive my best efforts for their enforcement.

A great debt has been contracted in securing to us and our posterity the Union. The payment of this, principal and interest, as well as the return to a specie basis as soon as it can be accomplished without material detriment to the debtor class or to the country at large, must be provided for. To protect the national honor, every dollar of Government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay. To this should be added a faithful collection of the revenue, a strict accountability to the Treasury for every dollar collected, and the greatest practicable retrenchment in expenditure in every department of Government.

When we compare the paying capacity of the country now, with the ten States in poverty from the effects of war, but soon to emerge, I trust, into greater prosperity than ever before, with its paying capacity twenty-five years ago, and calculate what it probably will be twenty-five years hence, who can doubt the feasibility of paying every dollar then with more ease than we now pay for useless luxuries? Why, it looks as though Providence had bestowed upon us a strong box in the precious metals locked up in the sterile mountains of the far West, and which we are now forging the key to unlock, to meet the very contingency that is now upon us.

Ultimately it may be necessary to insure the facilities to reach these riches, and it may be necessary also that the General Government should give its aid to secure this access; but that should only be when a dollar of obligation to pay secures precisely the same sort of dollar to use now, and not before. Whilst the question of specie payments is in abeyance the prudent business man is careful about contracting debts payable in the distant future. The nation should follow the same rule. A prostrate commerce is to be rebuilt and all industries encouraged.

The young men of the country—those who from their age must be its rulers twenty-five years hence—have a peculiar interest in maintaining the national honor. A moment's reflection as to what will be our commanding influence among the nations of the earth in their day, if they are only true to themselves, should inspire them with national pride. All divisions—geographical, political, and religious—can join in this common sentiment. How the public debt is to be paid or specie payments resumed is not so important as that a plan should be adopted and acquiesced in. A united determination to do is worth more than divided counsels upon the method of doing. Legislation upon this subject may

not be necessary now, nor even advisable, but it will be when the civil law is more fully restored in all parts of the country and trade resumes its wonted channels.

It will be my endeavor to execute all laws in good faith, to collect all revenues assessed, and to have them properly accounted for and economically disbursed. I will to the best of my ability appoint to office those only who will carry out this design.

In regard to foreign policy, I would deal with nations as equitable law requires individuals to deal with each other, and I would protect the law-abiding citizen, whether of native or foreign birth, wherever his rights are jeopardized or the flag of our country floats. I would respect the rights of all nations, demanding equal respect for our own. If others depart from this rule in their dealings with us, we may be compelled to follow their precedent.

The proper treatment of the original occupants of this land—the Indians—is one deserving of careful study. I will favor any course toward them which tends to their civilization and ultimate citizenship.

The question of suffrage is one which is likely to agitate the public so long as a portion of the citizens of the nation are excluded from its privileges in any State. It seems to me very desirable that this question should be settled now, and I entertain the hope and express the desire that it may be by the ratification of the fifteenth article of amendment to the Constitution.

In conclusion I ask patient forbearance one toward another throughout the land, and a determined effort on the part of every citizen to do his share toward cementing a happy union; and I ask the prayers of the nation to Almighty God in behalf of this consummation.

MARCH 4, 1869.

[NOTE.—The Forty-first Congress, first session, met March 4, 1869, in accordance with the act of January 22, 1867.]

SPECIAL MESSAGES.

WASHINGTON, D. C., *March 6, 1869.*

To the Senate of the United States:

Since the nomination and confirmation of Alexander T. Stewart to the office of Secretary of the Treasury I find that by the eighth section of the act of Congress approved September 2, 1789, it is provided as follows, to wit:

And be it further enacted, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce; or be owner, in whole or in part, of any sea vessel; or

purchase, by himself or another in trust for him, any public lands or other public property; or be concerned in the purchase or disposal of any public securities of any State or of the United States; or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act he shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

In view of these provisions and the fact that Mr. Stewart has been unanimously confirmed by the Senate, I would ask that he be exempted by joint resolution of the two Houses of Congress from the operations of the same.

U. S. GRANT.

WASHINGTON, *March 9, 1869.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 5th instant, a report from the Secretary of State, communicating a list of the public and private acts and resolutions passed at the third session of the Fortieth Congress which have become laws, either by approval or otherwise.

U. S. GRANT.

WASHINGTON, *March 9, 1869.*

To the Senate of the United States:

I have the honor to request to be permitted to withdraw from the Senate of the United States my message of the 6th instant, requesting the passage of a joint resolution of the two Houses of Congress to relieve the Secretary of the Treasury from the disabilities imposed by section 8 of the act of Congress approved September 2, 1789.

U. S. GRANT.

WASHINGTON, *March 15, 1869.*

To the Senate and House of Representatives:

I invite the attention of Congress to the accompanying communication* of this date, which I have received from the Secretary of the Interior.

U. S. GRANT.

*Report of the Government directors of the Union Pacific Railroad relative to an injunction issued by Judge Barnard, of the supreme court of the city of New York, restraining and prohibiting an election of officers or directors on the day directed by the law of December 20, 1867.

WASHINGTON, *March 16, 1869.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th instant, asking if the first installment due from the Government of Venezuela pursuant to the convention of April 25, 1866, has been paid, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *March 24, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 1st instant, a report from the Secretary of State, together with accompanying papers.*

U. S. GRANT.

WASHINGTON, *March 29, 1869.*

To the Senate of the United States:

In compliance with the request contained in the resolution of the Senate of the 17th instant, in regard to certain correspondence† between James Buchanan, then President of the United States, and Lewis Cass, Secretary of State, I transmit a report from the Department of State, which is accompanied by a copy of the correspondence referred to.

U. S. GRANT.

WASHINGTON, *March 31, 1869.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 30th of January last, calling for the papers relative to the claim of Owen Thorn and others against the British Government, I transmit a report from the Secretary of State, together with copies of the papers referred to in said resolution.

U. S. GRANT.

WASHINGTON, *April 3, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th of January last, requesting information concerning the destruction during the late war by rebel vessels of certain merchant vessels of the United States, and concerning the damages and claims resulting therefrom, I transmit a report from the Secretary of State and the tabular statement which accompanied it.

U. S. GRANT.

* Correspondence with the United States minister and the secretary of legation at Madrid.

† Regarding the policy to be pursued to avert civil war, then threatening, which correspondence led to the resignation of Mr. Cass.

WASHINGTON, D. C., *April 6, 1869.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, certain articles of agreement made and concluded at the Kaw Indian Agency, Kans., on the 13th ultimo, between the commissioners on the part of the United States and certain chiefs or headmen of the Kansas or Kaw tribe of Indians on behalf of said tribe, together with a letter from the Secretary of the Interior, to which attention is invited.

U. S. GRANT.

WASHINGTON, *April 7, 1869.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th of May last, in relation to the subject of claims against Great Britain, I transmit a report from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, D. C., *April 7, 1869.*

To the Senate and House of Representatives:

While I am aware that the time in which Congress proposes now to remain in session is very brief, and that it is its desire, as far as is consistent with the public interest, to avoid entering upon the general business of legislation, there is one subject which concerns so deeply the welfare of the country that I deem it my duty to bring it before you.

I have no doubt that you will concur with me in the opinion that it is desirable to restore the States which were engaged in the rebellion to their proper relations to the Government and the country at as early a period as the people of those States shall be found willing to become peaceful and orderly communities and to adopt and maintain such constitutions and laws as will effectually secure the civil and political rights of all persons within their borders. The authority of the United States, which has been vindicated and established by its military power, must undoubtedly be asserted for the absolute protection of all its citizens in the full enjoyment of the freedom and security which is the object of a republican government; but whenever the people of a rebellious State are ready to enter in good faith upon the accomplishment of this object, in entire conformity with the constitutional authority of Congress, it is certainly desirable that all causes of irritation should be removed as promptly as possible, that a more perfect union may be established and the country be restored to peace and prosperity.

The convention of the people of Virginia which met in Richmond on Tuesday, December 3, 1867, framed a constitution for that State, which was adopted by the convention on the 17th of April, 1868, and I desire

respectfully to call the attention of Congress to the propriety of providing by law for the holding of an election in that State at some time during the months of May and June next, under the direction of the military commander of that district, at which the question of the adoption of that constitution shall be submitted to the citizens of the State; and if this should seem desirable, I would recommend that a separate vote be taken upon such parts as may be thought expedient, and that at the same time and under the same authority there shall be an election for the officers provided under such constitution, and that the constitution, or such parts thereof as shall have been adopted by the people, be submitted to Congress on the first Monday of December next for its consideration, so that if the same is then approved the necessary steps will have been taken for the restoration of the State of Virginia to its proper relations to the Union. I am led to make this recommendation from the confident hope and belief that the people of that State are now ready to cooperate with the National Government in bringing it again into such relations to the Union as it ought as soon as possible to establish and maintain, and to give to all its people those equal rights under the law which were asserted in the Declaration of Independence in the words of one of the most illustrious of its sons.

I desire also to ask the consideration of Congress to the question whether there is not just ground for believing that the constitution framed by a convention of the people of Mississippi for that State, and once rejected, might not be again submitted to the people of that State in like manner, and with the probability of the same result.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 12th day of April, 1869, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, U. S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 12th day of April, 1869, at 12 o'clock noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 8th day of April, A. D. 1869, and of the Independence of the United States of America the ninety-third.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

SPECIAL MESSAGES.

WASHINGTON, *April 16, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and the Emperor of the French, signed this day by the plenipotentiaries of the parties, for the mutual protection of trade-marks of their respective citizens and subjects.

U. S. GRANT.

WASHINGTON, *April 21, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution adopted in executive session on the 16th of February last, requesting copy of the official correspondence of Mr. Buchanan during his residence at St. Petersburg as minister of the United States, a report from the Secretary of State, with the accompanying papers.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate the 6th day of July, 1869, as the time for submitting the constitution passed by the convention which met in Richmond, Va., on Tuesday, the 3d day of December, 1867, to the voters of said State registered at the date of such submission, viz, July 6, 1869, for ratification or rejection.

And I submit to a separate vote the fourth clause of section 1 of article 3 of said constitution, which is in the following words:

Every person who has been a Senator or Representative in Congress, or elector of President or Vice-President, or who held any office, civil or military, under the

United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. This clause shall include the following officers: Governor, lieutenant-governor, secretary of state, auditor of public accounts, second auditor, register of the land office, State treasurer, attorney-general, sheriffs, sergeant of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the supreme court, judges of the circuit court, judges of the court of hustings, justices of the county courts, mayor, recorder, alderman, councilmen of a city or town, coroners, escheators, inspectors of tobacco, flour, etc., clerks of the supreme, district, circuit, and county courts and of the court of hustings, and attorneys for the Commonwealth: *Provided*, That the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein, by a separate vote in each case.

And I also submit to a separate vote the seventh section of article 3 of the said constitution, which is in the words following:

In addition to the foregoing oath of office, the governor, lieutenant-governor, members of the general assembly, secretary of state, auditor of public accounts, State treasurer, attorney-general, and all persons elected to any convention to frame a constitution for this State or to amend or revise this constitution in any manner, and mayor and council of any city or town, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: *Provided*, The disabilities therein contained may be individually removed by a three-fifths vote of the general assembly:

"I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

The above oath shall also be taken by all the city and county officers before entering upon their duties, and by all other State officers not included in the above provision. I direct the vote to be taken upon each of the above-cited provisions alone, and upon the other portions of the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution (excluding the provisions above quoted) as framed by the convention of December 3, 1867, shall express his judgment by voting for the constitution.

Each voter favoring the rejection of the constitution (excluding the provisions above quoted) shall express his judgment by voting against the constitution.

Each voter will be allowed to cast a separate ballot for or against either or both of the provisions above quoted.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 14th day of May, A. D. 1869, and of the Independence of the United States of America the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

In testimony whereof I have hereto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of May, A. D. 1869, and of the Independence of the United States the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me from His Majesty the Emperor of France, through the Count Faverney, his chargé d'affaires, that on and after this date the discriminating duties heretofore levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States are to be discontinued and abolished:

Now, therefore, I, U. S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date, so long as merchandise imported from the countries of its origin into French ports in vessels belonging to citizens of the United States is admitted into French ports on the terms aforesaid, the discriminating

duties heretofore levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels shall be, and are hereby, discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of June, A. D. 1869, and of the Independence of the United States of America the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate Tuesday, the 30th day of November, 1869, as the time for submitting the constitution adopted on the 15th day of May, 1868, by the convention which met in Jackson, Miss., to the voters of said State registered at the date of such submission, viz, November 30, 1869.

And I submit to a separate vote that part of section 3 of Article VII of said constitution which is in the following words:

That I am not disfranchised in any of the provisions of the acts known as the reconstruction acts of the Thirty-ninth and Fortieth Congress, and that I admit the political and civil equality of all men. So help me God: *Provided*, If Congress shall at any time remove the disabilities of any person disfranchised in said reconstruction acts of the said Thirty-ninth and Fortieth Congress (and the legislature of this State shall concur therein), then so much of this oath, and so much only, as refers to the said reconstruction acts shall not be required of such person so pardoned to entitle him to be registered.

And I further submit to a separate vote section 5 of the same article of said constitution, which is in the following words:

No person shall be eligible to any office of profit or trust, civil or military, in this State who, as a member of the legislature, voted for the call of the convention that passed the ordinance of secession, or who, as a delegate to any convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under any authority or pretended government, authority, power, or constitution within the United States hostile or inimical thereto, except all persons who aided reconstruction by voting for this convention or who have continuously advocated the assembling of this convention and shall continuously and in good faith advocate the acts of the same; but the legislature may remove such disability: *Provided*, That nothing in this section, except voting for or signing the ordinance of secession, shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army.

And I further submit to a separate vote section 5 of Article XII of the said constitution, which is in the following words:

The credit of the State shall not be pledged or loaned in aid of any person, asso-

ciation, or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

And I further submit to a separate vote part of the oath of office prescribed in section 26 of Article XII of the said constitution, which is in the following words:

That I have never, as a member of any convention, voted for or signed any ordinance of secession; that I have never, as a member of any State legislature, voted for the call of any convention that passed any such ordinance.

The above oath shall also be taken by all the city and county officers before entering upon their duties, and by all other State officials not included in the above provision. I direct the vote to be taken upon each of the above-cited provisions alone, and upon the other portions of the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution (excluding the provisions above quoted), as adopted by the convention of May 15, 1868, shall express his judgment by voting for the constitution.

Each voter favoring the rejection of the constitution (excluding the provisions above quoted) shall express his judgment by voting against the constitution.

Each voter will be allowed to cast a separate ballot for or against either or both of the provisions above quoted.

It is understood that sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XIII, under the head of "Ordinance," are considered as forming no part of the said constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of July, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate Tuesday, the 30th day of November, 1869, as the time for submitting the constitution adopted by the convention which met in Austin, Tex., on the 15th day of June, 1868, to the voters of said State registered at the date of such submission, viz:

I direct the vote to be taken upon the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution as adopted by the convention of the 15th of June, 1868, shall express his judgment by voting for the constitution

Each voter favoring the rejection of the constitution shall express his judgment by voting against the constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of July, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The year which is drawing to a close has been free from pestilence; health has prevailed throughout the land; abundant crops reward the labors of the husbandman; commerce and manufactures have successfully prosecuted their peaceful paths; the mines and forests have yielded liberally; the nation has increased in wealth and in strength; peace has prevailed, and its blessings have advanced every interest of the people in every part of the Union; harmony and fraternal intercourse restored are obliterating the marks of past conflict and estrangement; burdens have been lightened; means have been increased; civil and religious liberty are secured to every inhabitant of the land, whose soil is trod by none but freemen.

It becomes a people thus favored to make acknowledgment to the Supreme Author from whom such blessings flow of their gratitude and their dependence, to render praise and thanksgiving for the same, and devoutly to implore a continuance of God's mercies.

Therefore I, Ulysses S. Grant, President of the United States, do recommend that Thursday, the 18th day of November next, be observed as a day of thanksgiving and of praise and of prayer to Almighty God, the creator and the ruler of the universe; and I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship and to unite in the homage and praise due to the bountiful Father of All Mercies and in fervent prayer for the continuance of the manifold blessings he has vouchsafed to us as a people.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed, this 5th day of October, A. D.

[SEAL.] 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas by the proclamation of the President of the United States of the 12th day of June last the levying of discriminating duties on merchandise imported into the United States in French vessels from the countries of its origin was discontinued; and

Whereas satisfactory information has since been received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, has been discontinued:

Now, therefore, I, U. S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be, and are, discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of November, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, NO. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 5, 1869.

The President of the United States directs that the following orders be carried into execution as soon as practicable:

1. The Department of the South will be commanded by Brigadier and Brevet Major General A. H. Terry.

2. Major-General G. G. Meade is assigned to command the Military Division of the Atlantic, and will transfer his headquarters to Philadelphia, Pa. He will turn over his present command temporarily to Brevet Major-General T. H. Ruger, colonel Thirty-third Infantry, who is assigned to duty according to his brevet of major-general while in the exercise of this command.

3. Major-General P. H. Sheridan is assigned to command the Department of Louisiana, and will turn over the command of the Department of the Missouri temporarily to the next senior officer.

4. Major-General W. S. Hancock is assigned to command the Department of Dakota.

5. Brigadier and Brevet Major General E. R. S. Canby is assigned to command the First Military District, and will proceed to his post as soon as relieved by Brevet Major-General Reynolds.

6. Brevet Major-General A. C. Gillem, colonel Twenty-fourth Infantry, will turn over the command of the Fourth Military District to the next senior officer and join his regiment.

7. Brevet Major-General J. J. Reynolds, colonel Twenty-sixth Infantry, is assigned to command the Fifth Military District, according to his brevet of major-general.

8. Brevet Major-General W. H. Emory, colonel Fifth Cavalry, is assigned to command the Department of Washington, according to his brevet of major-general.

By command of the General of the Army:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 8, 1869.

The following orders of the President of the United States are published for the information and government of all concerned:

WAR DEPARTMENT,
Washington City, March 5, 1869.

By direction of the President, General William T. Sherman will assume command of the Army of the United States.

The chiefs of staff corps, departments, and bureaus will report to and act under the immediate orders of the General Commanding the Army.

All official business which by law or regulations requires the action of the President or Secretary of War will be submitted by the General of the Army to the Secretary of War, and in general all orders from the

President or Secretary of War to any portion of the Army, line or staff, will be transmitted through the General of the Army.

J. M. SCHOFIELD, *Secretary of War.*

By command of the General of the Army:

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1869.

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6. By direction of the President, Brevet Major-General Adelbert Ames, lieutenant-colonel Twenty-fourth United States Infantry, is hereby assigned to command the Fourth Military District, according to his brevet rank.

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By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 16, 1869.

By direction of the President of the United States, the following changes are made in military divisions and department commands:

I. Lieutenant-General P. H. Sheridan is assigned to command the Military Division of the Missouri.

II. Major-General H. W. Halleck is assigned to the command of the Military Division of the South, to be composed of the Departments of the South and Louisiana, of the Fourth Military District, and of the States composing the present Department of the Cumberland; headquarters, Louisville, Ky. Major-General Halleck will proceed to his new command as soon as relieved by Major-General Thomas.

III. Major-General G. H. Thomas is assigned to command the Military Division of the Pacific.

IV. Major-General J. M. Schofield is assigned to command the Department of the Missouri. The State of Illinois and post of Fort Smith, Ark., are transferred to this department.

V. Brigadier and Brevet Major General O. O. Howard is assigned to command the Department of Louisiana. Until his arrival the senior

officer, Brevet Major-General J. A. Mower, will command, according to his brevet of major-general.

VI. The Department of Washington will be discontinued and merged in the Department of the East. The records will be sent to the Adjutant-General of the Army.

VII. The First Military District will be added to the Military Division of the Atlantic.

VIII. As soon as Major-General Thomas is ready to relinquish command of the Department of the Cumberland, the department will be discontinued, and the States composing it will be added to other departments, to be hereafter designated. The records will be forwarded to the Adjutant-General of the Army.

By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 26, 1869.

By direction of the President, the order of the Secretary of War dated War Department, March 5, 1869, and published in General Orders, No. 11, Headquarters of the Army, Adjutant-General's Office, dated March 8, 1869, except so much as directs General W. T. Sherman to "assume command of the Army of the United States," is hereby rescinded.

All official business which by law or regulations requires the action of the President or Secretary of War will be submitted by the chiefs of staff corps, departments, and bureaus to the Secretary of War.

All orders and instructions relating to military operations issued by the President or Secretary of War will be issued through the General of the Army.

JNO. A. RAWLINS,
Secretary of War.

SPECIAL ORDERS, No. 75.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1869.

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16. By direction of the President of the United States, Brevet Major-General A. S. Webb, United States Army, is assigned to command the First Military District, according to his brevet of major-general, until the arrival of Brevet Major-General Canby to relieve him. He will accordingly repair to Richmond, Va., without delay.

17. By direction of the President, Brevet Major-General George Stoneman, colonel Twenty-first United States Infantry, is hereby relieved from

the temporary command of the First Military District, and will accompany his regiment to the Military Division of the Pacific.

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By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., June 3, 1869.

A commission of citizens having been appointed under the authority of law to cooperate with the administrative departments in the management of Indian affairs, consisting of William Welsh, of Philadelphia; John V. Farwell, of Chicago; George H. Stuart, of Philadelphia; Robert Campbell, St. Louis; W. E. Dodge, New York; E. S. Tobey, Boston; Felix R. Brunot, Pittsburg; Nathan Bishop, New York, and Henry S. Lane, of Indiana, the following regulations will till further directions control the action of said commission and of the Bureau of Indian Affairs in matters coming under their joint supervision:

1. The commission will make its own organization and employ its own clerical assistants, keeping its "necessary expenses of transportation, subsistence, and clerk hire when actually engaged in said service" within the amount appropriated therefor by Congress.

2. The commission shall be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof.

3. They shall have full power to inspect, in person or by subcommittee, the various Indian superintendencies and agencies in the Indian country, to be present at payment of annuities, at consultations or councils with the Indians, and when on the ground to advise superintendents and agents in the performance of their duties.

4. They are authorized to be present, in person or by subcommittee, at purchases of goods for Indian purposes, and inspect said purchases, advising the Commissioner of Indian Affairs in regard thereto.

5. Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice through the office of Commissioner of Indian Affairs to the Secretary of the Interior, and in like manner their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents or other officers will in the same manner be forwarded to the Indian Bureau or Department of the Interior for action.

6. The commission will at their board meetings determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated, and all plans involving the expenditure of public money will

be acted upon by the Executive or the Secretary of the Interior before expenditure is made under the same.

7. The usual modes of accounting with the Treasury can not be changed, and all expenditures, therefore, must be subject to the approvals now required by law and the regulations of the Treasury Department, and all vouchers must conform to the same laws and requirements and pass through the ordinary channels.

8. All the officers of the Government connected with the Indian service are enjoined to afford every facility and opportunity to said commission and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such commissioners full access to their records and accounts, and to cooperate with them in the most earnest manner to the extent of their proper powers in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes, instead of following a roving and savage life.

9. The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated.

U. S. GRANT.

[From the Daily Morning Chronicle, Washington, September 8, 1869.]

DEPARTMENT OF STATE,
*Washington, September 7, 1869.**

It is my melancholy duty to inform you that the Hon. John A. Rawlins, Secretary of War, departed this life at twelve minutes past 4 o'clock on yesterday afternoon. In consequence of this afflicting event the President directs that the Executive Departments of the Government will be careful to manifest every observance of honor which custom has established as appropriate to the memory of one so eminent as a public functionary and so distinguished as a citizen.

I am, sir, very respectfully, your obedient servant,

HAMILTON FISH.

[From the Daily Morning Chronicle, Washington, September 8, 1869.]

DEPARTMENT OF STATE,
Washington, September 7, 1869.

SIR:* I have the honor to inform you that the President directs me to communicate to you his order that in honor of the memory of the Hon. John A. Rawlins, late Secretary of War, who died yesterday at twelve minutes past 4 o'clock p. m., the Executive Departments shall be draped

*Addressed to the heads of the Executive Departments.

in mourning for a period of thirty days, and that they be closed from the morning of the 8th instant until after the obsequies of the deceased shall have been solemnized.

I have the honor to be, your obedient servant,

HAMILTON FISH.

DEPARTMENT OF STATE, *Washington, September 7, 1869.*

The remains of the Hon. John A. Rawlins, late Secretary of War, will be interred with military honors, under the direction of the General of the Army, on Thursday, the 9th instant, at 10 o'clock a. m. The following persons will officiate as pallbearers on the occasion:

Brevet Major-General Edward D. Townsend, Adjutant-General; Brevet Major-General Randolph B. Marcy, Inspector-General; Brevet Major-General Joseph Holt, Judge-Advocate-General; Brevet Major-General Montgomery C. Meigs, Quartermaster-General; Brevet Major-General Amos B. Eaton, Commissary-General; Brevet Major-General Joseph K. Barnes, Surgeon-General; Brevet Major-General B. W. Brice, Paymaster-General; Brevet Major-General A. A. Humphreys, Chief of Engineers; Brevet Major-General Alexander B. Dyer, Chief of Ordnance; Brevet Brigadier-General Albert J. Myer, Chief Signal Officer; Brevet Major-General O. O. Howard; Brevet Major-General John E. Smith; Commodore Melancton Smith, Chief Bureau Equipment; Brigadier-General Jacob Zeilin, Marine Corps; Brigadier-General Giles A. Smith, Second Assistant Postmaster-General; Hon. Sayles J. Bowen, mayor of Washington.

On the day of the funeral the customary number of guns will be fired from all arsenals, forts, and navy-yards in the United States and from the Military and Naval Academies. Flags will be kept at half-mast, custom-houses closed, and all public work suspended during the day.

The General of the Army and heads of the several Executive Departments will issue the orders necessary for carrying these directions into effect.

By order of the President:

HAMILTON FISH, *Secretary of State.*

GENERAL ORDERS, No. 69.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 9, 1869.

I. The following order of the President has been received from the War Department:

EXECUTIVE MANSION, *Washington, October 8, 1869.*

The painful duty devolves upon the President of announcing to the people of the United States the death of one of his honored predecessors, Franklin Pierce, which occurred at Concord early this morning.

Eminent in the public councils and universally beloved in private life, his death will be mourned with a sorrow befitting the loss which his country sustains in his decease.

As a mark of respect to his memory, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning, and all business suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of this illustrious citizen who has passed from us.

U. S. GRANT.

II. In compliance with the instructions of the President and of the Secretary of War, on the day after the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By command of General Sherman:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDER.

NAVY DEPARTMENT,
Washington, October 9, 1869.

The death of ex-President Franklin Pierce is announced in the following order of the President of the United States:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that twenty-one guns be fired, at intervals of one minute each, at the several navy-yards and stations, on the day of the funeral where this order may be received in time, otherwise on the day after its receipt, commencing at noon, and also on board the flagships in each fleet. The flags at the several navy-yards, naval stations, marine barracks, and vessels in commission will be placed at half-mast from sunrise to sunset on the day when the minute guns are fired.

All officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for thirty days.

GEO. M. ROBESON,
Secretary of the Navy.

By the President of the United States.

EXECUTIVE ORDER.

WASHINGTON, *October 19, 1869.*

All communications in writing intended for the executive department of this Government and relating to public business of whatever kind, including suggestions for legislation, claims, contracts, employment, appointments, and removals from office, and pardons, must be transmitted through the Department to which the care of the subject-matter of the communication properly belongs. Communications otherwise transmitted will not receive attention.

By order of the President:

HAMILTON FISH,
Secretary of State.

FIRST ANNUAL MESSAGE.

EXECUTIVE MANSION,
Washington, D. C., December 6, 1869.

To the Senate and House of Representatives:

In coming before you for the first time as Chief Magistrate of this great nation, it is with gratitude to the Giver of All Good for the many benefits we enjoy. We are blessed with peace at home, and are without entangling alliances abroad to forebode trouble; with a territory unsurpassed in fertility, of an area equal to the abundant support of 500,000,000 people, and abounding in every variety of useful mineral in quantity sufficient to supply the world for generations; with exuberant crops; with a variety of climate adapted to the production of every species of earth's riches and suited to the habits, tastes, and requirements of every living thing; with a population of 40,000,000 free people, all speaking one language; with facilities for every mortal to acquire an education; with institutions closing to none the avenues to fame or any blessing of fortune that may be coveted; with freedom of the pulpit, the press, and the school; with a revenue flowing into the National Treasury beyond the requirements of the Government. Happily, harmony is being rapidly restored within our own borders. Manufactures hitherto unknown in

our country are springing up in all sections, producing a degree of national independence unequaled by that of any other power.

These blessings and countless others are intrusted to your care and mine for safe-keeping for the brief period of our tenure of office. In a short time we must, each of us, return to the ranks of the people, who have conferred upon us our honors, and account to them for our stewardship. I earnestly desire that neither you nor I may be condemned by a free and enlightened constituency nor by our own consciences.

Emerging from a rebellion of gigantic magnitude, aided, as it was, by the sympathies and assistance of nations with which we were at peace, eleven States of the Union were, four years ago, left without legal State governments. A national debt had been contracted; American commerce was almost driven from the seas; the industry of one-half of the country had been taken from the control of the capitalist and placed where all labor rightfully belongs—in the keeping of the laborer. The work of restoring State governments loyal to the Union, of protecting and fostering free labor, and providing means for paying the interest on the public debt has received ample attention from Congress. Although your efforts have not met with the success in all particulars that might have been desired, yet on the whole they have been more successful than could have been reasonably anticipated.

Seven States which passed ordinances of secession have been fully restored to their places in the Union. The eighth (Georgia) held an election at which she ratified her constitution, republican in form, elected a governor, Members of Congress, a State legislature, and all other officers required. The governor was duly installed, and the legislature met and performed all the acts then required of them by the reconstruction acts of Congress. Subsequently, however, in violation of the constitution which they had just ratified (as since decided by the supreme court of the State), they unseated the colored members of the legislature and admitted to seats some members who are disqualified by the third clause of the fourteenth amendment to the Constitution—an article which they themselves had contributed to ratify. Under these circumstances I would submit to you whether it would not be wise, without delay, to enact a law authorizing the governor of Georgia to convene the members originally elected to the legislature, requiring each member to take the oath prescribed by the reconstruction acts, and none to be admitted who are ineligible under the third clause of the fourteenth amendment.

The freedmen, under the protection which they have received, are making rapid progress in learning, and no complaints are heard of lack of industry on their part where they receive fair remuneration for their labor. The means provided for paying the interest on the public debt, with all other expenses of Government, are more than ample. The loss of our commerce is the only result of the late rebellion which has not received sufficient attention from you. To this subject I call your earnest

attention. I will not now suggest plans by which this object may be effected, but will, if necessary, make it the subject of a special message during the session of Congress.

At the March term Congress by joint resolution authorized the Executive to order elections in the States of Virginia, Mississippi, and Texas, to submit to them the constitutions which each had previously, in convention, framed, and submit the constitutions, either entire or in separate parts, to be voted upon, at the discretion of the Executive. Under this authority elections were called. In Virginia the election took place on the 6th of July, 1869. The governor and lieutenant-governor elected have been installed. The legislature met and did all required by this resolution and by all the reconstruction acts of Congress, and abstained from all doubtful authority. I recommend that her Senators and Representatives be promptly admitted to their seats, and that the State be fully restored to its place in the family of States. Elections were called in Mississippi and Texas, to commence on the 30th of November, 1869, and to last two days in Mississippi and four days in Texas. The elections have taken place, but the result is not known. It is to be hoped that the acts of the legislatures of these States, when they meet, will be such as to receive your approval, and thus close the work of reconstruction.

Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties, of Government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

The methods to secure the former of these results are as numerous as are the speculators on political economy. To secure the latter I see but one way, and that is to authorize the Treasury to redeem its own paper, at a fixed price, whenever presented, and to withhold from circulation all currency so redeemed until sold again for gold.

The vast resources of the nation, both developed and undeveloped, ought to make our credit the best on earth. With a less burden of

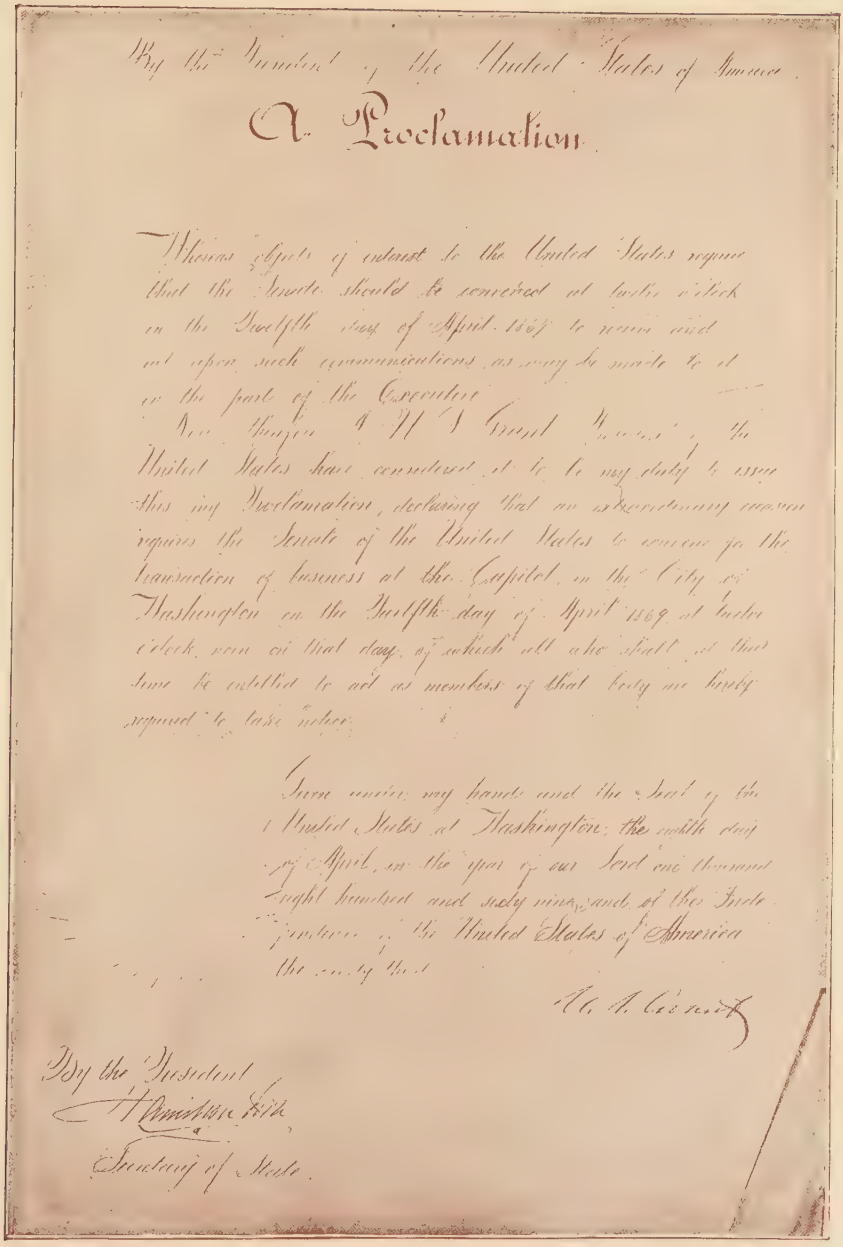
taxation than the citizen has endured for six years past, the entire public debt could be paid in ten years. But it is not desirable that the people should be taxed to pay it in that time. Year by year the ability to pay increases in a rapid ratio. But the burden of interest ought to be reduced as rapidly as can be done without the violation of contract. The public debt is represented in great part by bonds having from five to twenty and from ten to forty years to run, bearing interest at the rate of 6 per cent and 5 per cent, respectively. It is optional with the Government to pay these bonds at any period after the expiration of the least time mentioned upon their face. The time has already expired when a great part of them may be taken up, and is rapidly approaching when all may be. It is believed that all which are now due may be replaced by bonds bearing a rate of interest not exceeding 4½ per cent, and as rapidly as the remainder become due that they may be replaced in the same way. To accomplish this it may be necessary to authorize the interest to be paid at either of three or four of the money centers of Europe, or by any assistant treasurer of the United States, at the option of the holder of the bond. I suggest this subject for the consideration of Congress, and also, simultaneously with this, the propriety of redeeming our currency, as before suggested, at its market value at the time the law goes into effect, increasing the rate at which currency shall be bought and sold from day to day or week to week, at the same rate of interest as Government pays upon its bonds.

The subjects of tariff and internal taxation will necessarily receive your attention. The revenues of the country are greater than the requirements, and may with safety be reduced. But as the funding of the debt in a 4 or a 4½ per cent loan would reduce annual current expenses largely, thus, after funding, justifying a greater reduction of taxation than would be now expedient, I suggest postponement of this question until the next meeting of Congress.

It may be advisable to modify taxation and tariff in instances where unjust or burdensome discriminations are made by the present laws, but a general revision of the laws regulating this subject I recommend the postponement of for the present. I also suggest the renewal of the tax on incomes, but at a reduced rate, say of 3 per cent, and this tax to expire in three years.

With the funding of the national debt, as here suggested, I feel safe in saying that taxes and the revenue from imports may be reduced safely from sixty to eighty millions per annum at once, and may be still further reduced from year to year, as the resources of the country are developed.

The report of the Secretary of the Treasury shows the receipts of the Government for the fiscal year ending June 30, 1869, to be $370,943,747, and the expenditures, including interest, bounties, etc., to be $321,490,597. The estimates for the ensuing year are more favorable to the Government and will no doubt show a much larger decrease of the public debt.



By the President of the United States of America.

A Proclamation.

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the twelfth day of April 1869 to receive and act upon such communications as may be made to it on the part of the Executive

And Whereas I U S Grant President of the United States have considered it to be my duty to issue this my Proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol in the City of Washington on the twelfth day of April 1869 at twelve o'clock noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice:

Given under my hand and the Seal of the United States at Washington, the ninth day of April, in the year of our Lord one thousand eight hundred and sixty nine, and of the Independence of the United States of America the ninety third

U. S. Grant

By the President

Hamilton Fish

Secretary of State.

PRESIDENT GRANT'S PROCLAMATION CALLING FOR AN EXTRA SESSION OF THE SENATE.

The receipts in the Treasury beyond expenditures have exceeded the amount necessary to place to the credit of the sinking fund, as provided by law. To lock up the surplus in the Treasury and withhold it from circulation would lead to such a contraction of the currency as to cripple trade and seriously affect the prosperity of the country. Under these circumstances the Secretary of the Treasury and myself heartily concurred in the propriety of using all the surplus currency in the Treasury in the purchase of Government bonds, thus reducing the interest-bearing indebtedness of the country, and of submitting to Congress the question of the disposition to be made of the bonds so purchased. The bonds now held by the Treasury amount to about seventy-five millions, including those belonging to the sinking fund. I recommend that the whole be placed to the credit of the sinking fund.

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of commissioner of customs revenue; for the increase of salaries to certain classes of officials; the substitution of increased national-bank circulation to replace the outstanding 3 per cent certificates; and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, etc., to officers of the Government or to informers.

The office of Commissioner of Internal Revenue is one of the most arduous and responsible under the Government. It falls but little, if any, short of a Cabinet position in its importance and responsibilities. I would ask for it, therefore, such legislation as in your judgment will place the office upon a footing of dignity commensurate with its importance and with the character and qualifications of the class of men required to fill it properly.

As the United States is the freest of all nations, so, too, its people sympathize with all people struggling for liberty and self-government; but while so sympathizing it is due to our honor that we should abstain from enforcing our views upon unwilling nations and from taking an interested part, *without invitation*, in the quarrels between different nations or between governments and their subjects. Our course should always be in conformity with strict justice and law, international and local. Such has been the policy of the Administration in dealing with these questions. For more than a year a valuable province of Spain, and a near neighbor of ours, in whom all our people can not but feel a deep interest, has been struggling for independence and freedom. The people and Government of the United States entertain the same warm feelings and sympathies for the people of Cuba in their pending struggle that they manifested throughout the previous struggles between Spain and her former colonies in behalf of the latter. But the contest has at no time assumed the conditions which amount to a war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.

The principle is maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive or to independent nations at war with each other.

The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European powers will find their interest in terminating those relations and establishing their present dependencies as independent powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers.

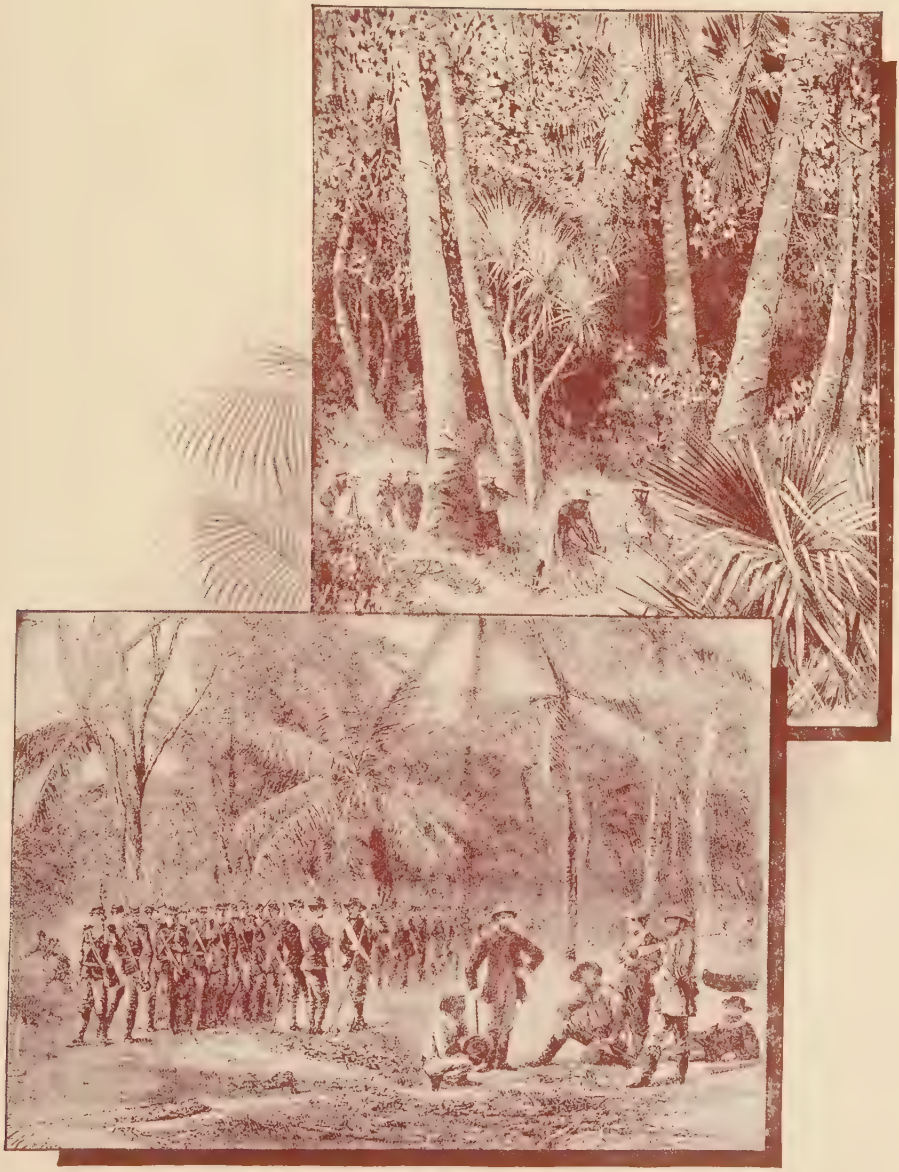
The United States, in order to put a stop to bloodshed in Cuba, and in the interest of a neighboring people, proposed their good offices to bring the existing contest to a termination. The offer, not being accepted by Spain on a basis which we believed could be received by Cuba, was withdrawn. It is hoped that the good offices of the United States may yet prove advantageous for the settlement of this unhappy strife. Meanwhile a number of illegal expeditions against Cuba have been broken up. It has been the endeavor of the Administration to execute the neutrality laws in good faith, no matter how unpleasant the task, made so by the sufferings we have endured from lack of like good faith toward us by other nations.

On the 26th of March last the United States schooner *Lizzie Major* was arrested on the high seas by a Spanish frigate, and two passengers taken from it and carried as prisoners to Cuba. Representations of these facts were made to the Spanish Government as soon as official information of them reached Washington. The two passengers were set at liberty, and the Spanish Government assured the United States that the captain of the frigate in making the capture had acted without law, that he had been reprimanded for the irregularity of his conduct, and that the Spanish authorities in Cuba would not sanction any act that could violate the rights or treat with disrespect the sovereignty of this nation.

The question of the seizure of the brig *Mary Lowell* at one of the Bahama Islands by Spanish authorities is now the subject of correspondence between this Government and those of Spain and Great Britain.

The Captain-General of Cuba about May last issued a proclamation authorizing search to be made of vessels on the high seas. Immediate remonstrance was made against this, whereupon the Captain-General issued a new proclamation limiting the right of search to vessels of the United States so far as authorized under the treaty of 1795. This proclamation, however, was immediately withdrawn.

I have always felt that the most intimate relations should be cultivated



EARLY ATTEMPTS AT AN ISTHMIAN CANAL

EARLY ATTEMPTS AT A PANAMA CANAL

It seems strange to credit the project of a canal across the Isthmus of Darien, connecting the Atlantic with the Pacific, to a Spaniard, but according to the account in the index (volume eleven), entitled "Panama Canal," the idea was first broached in 1527 by de la Serna, who even surveyed a route from Chagres to Panama.

The illustration shows the Selfridge expedition of 1870 making surveys.

between the Republic of the United States and all independent nations on this continent. It may be well worth considering whether new treaties between us and them may not be profitably entered into, to secure more intimate relations—friendly, commercial, and otherwise.

The subject of an interoceanic canal to connect the Atlantic and Pacific oceans through the Isthmus of Darien is one in which commerce is greatly interested. Instructions have been given to our minister to the Republic of the United States of Colombia to endeavor to obtain authority for a survey by this Government, in order to determine the practicability of such an undertaking, and a charter for the right of way to build, by private enterprise, such a work, if the survey proves it to be practicable.

In order to comply with the agreement of the United States as to a mixed commission at Lima for the adjustment of claims, it became necessary to send a commissioner and secretary to Lima in August last. No appropriation having been made by Congress for this purpose, it is now asked that one be made covering the past and future expenses of the commission.

The good offices of the United States to bring about a peace between Spain and the South American Republics with which she is at war having been accepted by Spain, Peru, and Chile, a congress has been invited to be held in Washington during the present winter.

A grant has been given to Europeans of an exclusive right of transit over the territory of Nicaragua, to which Costa Rica has given its assent, which, it is alleged, conflicts with vested rights of citizens of the United States. The Department of State has now this subject under consideration.

The minister of Peru having made representations that there was a state of war between Peru and Spain, and that Spain was constructing, in and near New York, thirty gunboats, which might be used by Spain in such a way as to relieve the naval force at Cuba, so as to operate against Peru, orders were given to prevent their departure. No further steps having been taken by the representative of the Peruvian Government to prevent the departure of these vessels, and I not feeling authorized to detain the property of a nation with which we are at peace on a mere Executive order, the matter has been referred to the courts to decide.

The conduct of the war between the allies and the Republic of Paraguay has made the intercourse with that country so difficult that it has been deemed advisable to withdraw our representative from there.

Toward the close of the last Administration a convention was signed at London for the settlement of all outstanding claims between Great Britain and the United States, which failed to receive the advice and consent of the Senate to its ratification. The time and the circumstances attending the negotiation of that treaty were unfavorable to its acceptance by the people of the United States, and its provisions were wholly inadequate for the settlement of the grave wrongs that had been sustained by this

Government, as well as by its citizens. The injuries resulting to the United States by reason of the course adopted by Great Britain during our late civil war—in the increased rates of insurance; in the diminution of exports and imports, and other obstructions to domestic industry and production; in its effect upon the foreign commerce of the country; in the decrease and transfer to Great Britain of our commercial marine; in the prolongation of the war and the increased cost (both in treasure and in lives) of its suppression—could not be adjusted and satisfied as ordinary commercial claims, which continually arise between commercial nations; and yet the convention treated them simply as such ordinary claims, from which they differ more widely in the gravity of their character than in the magnitude of their amount, great even as is that difference. Not a word was found in the treaty, and not an inference could be drawn from it, to remove the sense of the unfriendliness of the course of Great Britain in our struggle for existence, which had so deeply and universally impressed itself upon the people of this country.

Believing that a convention thus misconceived in its scope and inadequate in its provisions would not have produced the hearty, cordial settlement of pending questions, which alone is consistent with the relations which I desire to have firmly established between the United States and Great Britain, I regarded the action of the Senate in rejecting the treaty to have been wisely taken in the interest of peace and as a necessary step in the direction of a perfect and cordial friendship between the two countries. A sensitive people, conscious of their power, are more at ease under a great wrong wholly unatoned than under the restraint of a settlement which satisfies neither their ideas of justice nor their grave sense of the grievance they have sustained. The rejection of the treaty was followed by a state of public feeling on both sides which I thought not favorable to an immediate attempt at renewed negotiations. I accordingly so instructed the minister of the United States to Great Britain, and found that my views in this regard were shared by Her Majesty's ministers. I hope that the time may soon arrive when the two Governments can approach the solution of this momentous question with an appreciation of what is due to the rights, dignity, and honor of each, and with the determination not only to remove the causes of complaint in the past, but to lay the foundation of a broad principle of public law which will prevent future differences and tend to firm and continued peace and friendship.

This is now the only grave question which the United States has with any foreign nation.

The question of renewing a treaty for reciprocal trade between the United States and the British Provinces on this continent has not been favorably considered by the Administration. The advantages of such a treaty would be wholly in favor of the British producer. Except, possibly, a few engaged in the trade between the two sections, no citizen of

the United States would be benefited by reciprocity. Our internal taxation would prove a protection to the British producer almost equal to the protection which our manufacturers now receive from the tariff. Some arrangement, however, for the regulation of commercial intercourse between the United States and the Dominion of Canada may be desirable.

The commission for adjusting the claims of the "Hudsons Bay and Puget Sound Agricultural Company" upon the United States has terminated its labors. The award of $650,000 has been made and all rights and titles of the company on the territory of the United States have been extinguished. Deeds for the property of the company have been delivered. An appropriation by Congress to meet this sum is asked.

The commissioners for determining the northwestern land boundary between the United States and the British possessions under the treaty of 1856 have completed their labors, and the commission has been dissolved.

In conformity with the recommendation of Congress, a proposition was early made to the British Government to abolish the mixed courts created under the treaty of April 7, 1862, for the suppression of the slave trade. The subject is still under negotiation.

It having come to my knowledge that a corporate company, organized under British laws, proposed to land upon the shores of the United States and to operate there a submarine cable, under a concession from His Majesty the Emperor of the French of an exclusive right for twenty years of telegraphic communication between the shores of France and the United States, with the very objectionable feature of subjecting all messages conveyed thereby to the scrutiny and control of the French Government, I caused the French and British legations at Washington to be made acquainted with the probable policy of Congress on this subject, as foreshadowed by the bill which passed the Senate in March last. This drew from the representatives of the company an agreement to accept as the basis of their operations the provisions of that bill, or of such other enactment on the subject as might be passed during the approaching session of Congress; also, to use their influence to secure from the French Government a modification of their concession, so as to permit the landing upon French soil of any cable belonging to any company incorporated by the authority of the United States or of any State in the Union, and, on their part, not to oppose the establishment of any such cable. In consideration of this agreement I directed the withdrawal of all opposition by the United States authorities to the landing of the cable and to the working of it until the meeting of Congress. I regret to say that there has been no modification made in the company's concession, nor, so far as I can learn, have they attempted to secure one. Their concession excludes the capital and the citizens of the United States from competition upon the shores of France. I recommend

legislation to protect the rights of citizens of the United States, as well as the dignity and sovereignty of the nation, against such an assumption. I shall also endeavor to secure, by negotiation, an abandonment of the principle of monopolies in ocean telegraphic cables. Copies of this correspondence are herewith furnished.

The unsettled political condition of other countries, less fortunate than our own, sometimes induces their citizens to come to the United States for the sole purpose of becoming naturalized. Having secured this, they return to their native country and reside there, without disclosing their change of allegiance. They accept official positions of trust or honor, which can only be held by citizens of their native land; they journey under passports describing them as such citizens; and it is only when civil discord, after perhaps years of quiet, threatens their persons or their property, or when their native state drafts them into its military service, that the fact of their change of allegiance is made known. They reside permanently away from the United States, they contribute nothing to its revenues, they avoid the duties of its citizenship, and they only make themselves known by a claim of protection. I have directed the diplomatic and consular officers of the United States to scrutinize carefully all such claims for protection. The citizen of the United States, whether native or adopted, who discharges his duty to his country, is entitled to its complete protection. While I have a voice in the direction of affairs I shall not consent to imperil this sacred right by conferring it upon fictitious or fraudulent claimants.

On the accession of the present Administration it was found that the minister for North Germany had made propositions for the negotiation of a convention for the protection of emigrant passengers, to which no response had been given. It was concluded that to be effectual all the maritime powers engaged in the trade should join in such a measure. Invitations have been extended to the cabinets of London, Paris, Florence, Berlin, Brussels, The Hague, Copenhagen, and Stockholm to empower their representatives at Washington to simultaneously enter into negotiations and to conclude with the United States conventions identical in form, making uniform regulations as to the construction of the parts of vessels to be devoted to the use of emigrant passengers, as to the quality and quantity of food, as to the medical treatment of the sick, and as to the rules to be observed during the voyage, in order to secure ventilation, to promote health, to prevent intrusion, and to protect the females; and providing for the establishment of tribunals in the several countries for enforcing such regulations by summary process.

Your attention is respectfully called to the law regulating the tariff on Russian hemp, and to the question whether to fix the charges on Russian hemp higher than they are fixed upon manila is not a violation of our treaty with Russia placing her products upon the same footing with those of the most favored nations.

Our manufactures are increasing with wonderful rapidity under the encouragement which they now receive. With the improvements in machinery already effected, and still increasing, causing machinery to take the place of skilled labor to a large extent, our imports of many articles must fall off largely within a very few years. Fortunately, too, manufactures are not confined to a few localities, as formerly, and it is to be hoped will become more and more diffused, making the interest in them equal in all sections. They give employment and support to hundreds of thousands of people at home, and retain with us the means which otherwise would be shipped abroad. The extension of railroads in Europe and the East is bringing into competition with our agricultural products like products of other countries. Self-interest, if not self-preservation, therefore dictates caution against disturbing any industrial interest of the country. It teaches us also the necessity of looking to other markets for the sale of our surplus. Our neighbors south of us, and China and Japan, should receive our special attention. It will be the endeavor of the Administration to cultivate such relations with all these nations as to entitle us to their confidence and make it their interest, as well as ours, to establish better commercial relations.

Through the agency of a more enlightened policy than that heretofore pursued toward China, largely due to the sagacity and efforts of one of our own distinguished citizens, the world is about to commence largely increased relations with that populous and hitherto exclusive nation. As the United States have been the initiators in this new policy, so they should be the most earnest in showing their good faith in making it a success. In this connection I advise such legislation as will forever preclude the enslavement of the Chinese upon our soil under the name of coolies, and also prevent American vessels from engaging in the transportation of coolies to any country tolerating the system. I also recommend that the mission to China be raised to one of the first class.

On my assuming the responsible duties of Chief Magistrate of the United States it was with the conviction that three things were essential to its peace, prosperity, and fullest development. First among these is strict integrity in fulfilling all our obligations; second, to secure protection to the person and property of the citizen of the United States in each and every portion of our common country, wherever he may choose to move, without reference to original nationality, religion, color, or politics, demanding of him only obedience to the laws and proper respect for the rights of others; third, union of all the States, with equal rights, indestructible by any constitutional means.

To secure the first of these, Congress has taken two essential steps: First, in declaring by joint resolution that the public debt shall be paid, principal and interest, in coin; and, second, by providing the means for paying. Providing the means, however, could not secure the object desired without a proper administration of the laws for the collection of

the revenues and an economical disbursement of them. To this subject the Administration has most earnestly addressed itself, with results, I hope, satisfactory to the country. There has been no hesitation in changing officials in order to secure an efficient execution of the laws, sometimes, too, when, in a mere party view, undesirable political results were likely to follow; nor any hesitation in sustaining efficient officials against remonstrances wholly political.

It may be well to mention here the embarrassment possible to arise from leaving on the statute books the so-called "tenure-of-office acts," and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an Administration which they know does not trust them?

For the second requisite to our growth and prosperity time and a firm but humane administration of existing laws (amended from time to time as they may prove ineffective or prove harsh and unnecessary) are probably all that are required.

The third can not be attained by special legislation, but must be regarded as fixed by the Constitution itself and gradually acquiesced in by force of public opinion.

From the foundation of the Government to the present the management of the original inhabitants of this continent—the Indians—has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders, and wars. From my own experience upon the frontiers and in Indian countries, I do not hold either legislation or the conduct of the whites who come most in contact with the Indian blameless for these hostilities. The past, however, can not be undone, and the question must be met as we now find it. I have attempted a new policy toward these wards of the nation (they can not be regarded in any other light than as wards), with fair results so far as tried, and which I hope will be attended ultimately with great success. The Society of Friends is well known as having succeeded in living in peace with the Indians in the early settlement of Pennsylvania, while their white neighbors of other sects in other sections were constantly embroiled. They are also known for their opposition to all strife, violence, and war, and are generally noted for their strict integrity and fair dealings. These considerations induced me to give the management of a few reservations of Indians to them and to throw the burden of the selection of agents upon the society itself. The result has proven most

satisfactory. It will be found more fully set forth in the report of the Commissioner of Indian Affairs. For superintendents and Indian agents not on the reservations, officers of the Army were selected. The reasons for this are numerous. Where Indian agents are sent, there, or near there, troops must be sent also. The agent and the commander of troops are independent of each other, and are subject to orders from different Departments of the Government. The army officer holds a position for life; the agent, one at the will of the President. The former is personally interested in living in harmony with the Indian and in establishing a permanent peace, to the end that some portion of his life may be spent within the limits of civilized society; the latter has no such personal interest. Another reason is an economic one; and still another, the hold which the Government has upon a life officer to secure a faithful discharge of duties in carrying out a given policy.

The building of railroads, and the access thereby given to all the agricultural and mineral regions of the country, is rapidly bringing civilized settlements into contact with all the tribes of Indians. No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end. A system which looks to the extinction of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and the rights of others, dangerous to society. I see no substitute for such a system, except in placing all the Indians on large reservations, as rapidly as it can be done, and giving them absolute protection there. As soon as they are fitted for it they should be induced to take their lands in severalty and to set up Territorial governments for their own protection. For full details on this subject I call your special attention to the reports of the Secretary of the Interior and the Commissioner of Indian Affairs.

The report of the Secretary of War shows the expenditures of the War Department for the year ending June 30, 1869, to be $80,644,042, of which $23,882,310 was disbursed in the payment of debts contracted during the war, and is not chargeable to current army expenses. His estimate of $34,531,031 for the expenses of the Army for the next fiscal year is as low as it is believed can be relied on. The estimates of bureau officers have been carefully scrutinized, and reduced wherever it has been deemed practicable. If, however, the condition of the country should be such by the beginning of the next fiscal year as to admit of a greater concentration of troops, the appropriation asked for will not be expended.

The appropriations estimated for river and harbor improvements and for fortifications are submitted separately. Whatever amount Congress may deem proper to appropriate for these purposes will be expended.

The recommendation of the General of the Army that appropriations be made for the forts at Boston, Portland, New York, Philadelphia, New

Orleans, and San Francisco, if for no other, is concurred in. I also ask your special attention to the recommendation of the general commanding the Military Division of the Pacific for the sale of the seal islands of St. Paul and St. George, Alaska Territory, and suggest that it either be complied with or that legislation be had for the protection of the seal fisheries from which a revenue should be derived.

The report of the Secretary of War contains a synopsis of the reports of the heads of bureaus, of the commanders of military divisions, and of the districts of Virginia, Mississippi, and Texas, and the report of the General of the Army in full. The recommendations therein contained have been well considered, and are submitted for your action. I, however, call special attention to the recommendation of the Chief of Ordnance for the sale of arsenals and lands no longer of use to the Government; also, to the recommendation of the Secretary of War that the act of 3d March, 1869, prohibiting promotions and appointments in the staff corps of the Army, be repealed. The extent of country to be garrisoned and the number of military posts to be occupied is the same with a reduced Army as with a large one. The number of staff officers required is more dependent upon the latter than the former condition.

The report of the Secretary of the Navy accompanying this shows the condition of the Navy when this Administration came into office and the changes made since. Strenuous efforts have been made to place as many vessels "in commission," or render them fit for service if required, as possible, and to substitute the sail for steam while cruising, thus materially reducing the expenses of the Navy and adding greatly to its efficiency. Looking to our future, I recommend a liberal, though not extravagant, policy toward this branch of the public service.

The report of the Postmaster-General furnishes a clear and comprehensive exhibit of the operations of the postal service and of the financial condition of the Post-Office Department. The ordinary postal revenues for the year ending the 30th of June, 1869, amounted to $18,344,510, and the expenditures to $23,698,131, showing an excess of expenditures over receipts of $5,353,620. The excess of expenditures over receipts for the previous year amounted to $6,437,992. The increase of revenues for 1869 over those of 1868 was $2,051,909, and the increase of expenditures was $967,538. The increased revenue in 1869 exceeded the increased revenue in 1868 by $996,336, and the increased expenditure in 1869 was $2,527,570 less than the increased expenditure in 1868, showing by comparison this gratifying feature of improvement, that while the increase of expenditures over the increase of receipts in 1868 was $2,439,535, the increase of receipts over the increase of expenditures in 1869 was $1,084,371.

Your attention is respectfully called to the recommendations made by the Postmaster-General for authority to change the rate of compensation to the main trunk railroad lines for their services in carrying the mails,

for having post-route maps executed; for reorganizing and increasing the efficiency of the special-agency service; for increase of the mail service on the Pacific, and for establishing mail service, under the flag of the Union, on the Atlantic; and most especially do I call your attention to his recommendation for the total abolition of the franking privilege. This is an abuse from which no one receives a commensurate advantage; it reduces the receipts for postal service from 25 to 30 per cent and largely increases the service to be performed. The method by which postage should be paid upon public matter is set forth fully in the report of the Postmaster-General.

The report of the Secretary of the Interior shows that the quantity of public lands disposed of during the year ending the 30th of June, 1869, was 7,666,152 acres, exceeding that of the preceding year by 1,010,409 acres. Of this amount 2,899,544 acres were sold for cash and 2,737,365 acres entered under the homestead laws. The remainder was granted to aid in the construction of works of internal improvement, approved to the States as swamp land, and located with warrants and scrip. The cash receipts from all sources were $4,472,886, exceeding those of the preceding year $2,840,140.

During the last fiscal year 23,196 names were added to the pension rolls and 4,876 dropped therefrom, leaving at its close 187,963. The amount paid to pensioners, including the compensation of disbursing agents, was $28,422,884, an increase of $4,411,902 on that of the previous year. The munificence of Congress has been conspicuously manifested in its legislation for the soldiers and sailors who suffered in the recent struggle to maintain "that unity of government which makes us one people." The additions to the pension rolls of each successive year since the conclusion of hostilities result in a great degree from the repeated amendments of the act of the 14th of July, 1862, which extended its provisions to cases not falling within its original scope. The large outlay which is thus occasioned is further increased by the more liberal allowance bestowed since that date upon those who in the line of duty were wholly or permanently disabled. Public opinion has given an emphatic sanction to these measures of Congress, and it will be conceded that no part of our public burden is more cheerfully borne than that which is imposed by this branch of the service. It necessitates for the next fiscal year, in addition to the amount justly chargeable to the naval pension fund, an appropriation of $30,000,000.

During the year ending the 30th of September, 1869, the Patent Office issued 13,762 patents, and its receipts were $686,389, being $213,926 more than the expenditures.

I would respectfully call your attention to the recommendation of the Secretary of the Interior for uniting the duties of supervising the education of freedmen with the other duties devolving upon the Commissioner of Education,

If it is the desire of Congress to make the census which must be taken during the year 1870 more complete and perfect than heretofore, I would suggest early action upon any plan that may be agreed upon. As Congress at the last session appointed a committee to take into consideration such measures as might be deemed proper in reference to the census and report a plan, I desist from saying more.

I recommend to your favorable consideration the claims of the Agricultural Bureau for liberal apppropriations. In a country so diversified in climate and soil as ours, and with a population so largely dependent upon agriculture, the benefits that can be conferred by properly fostering this Bureau are incalculable.

I desire respectfully to call the attention of Congress to the inadequate salaries of a number of the most important offices of the Government. In this message I will not enumerate them, but will specify only the justices of the Supreme Court. No change has been made in their salaries for fifteen years. Within that time the labors of the court have largely increased and the expenses of living have at least doubled. During the same time Congress has twice found it necessary to increase largely the compensation of its own members, and the duty which it owes to another department of the Government deserves, and will undoubtedly receive, its due consideration.

There are many subjects not alluded to in this message which might with propriety be introduced, but I abstain, believing that your patriotism and statesmanship will suggest the topics and the legislation most conducive to the interests of the whole people. On my part I promise a rigid adherence to the laws and their strict enforcement.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, an additional article to the convention of the 24th of October, 1867, between the United States of America and His Majesty the King of Denmark.

U. S. GRANT.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Hawaiian Majesty,

signed in this city on the 8th day of May last, providing for the extension of the term for the exchange of the ratifications of the convention for commercial reciprocity between the same parties, signed on the 21st day of May, 1867.

U. S. GRANT.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a protocol, signed in this city on the 23d of October last, to the convention upon the subject of claims between the United States and the Mexican Republic, signed the 4th of July, 1868.

U. S. GRANT

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, the accompanying copy of a correspondence between the Secretary of State and the minister of the United States at Berlin, in relation to the exchange of the ratifications of the naturalization convention dated July 27, 1868, between the United States and the Government of Wurtemberg, which was not effected within the time named in the convention.

U. S. GRANT.

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, the accompanying copy of a correspondence between the Secretary of State and the legation of the United States at Brussels, in relation to the exchange of the ratifications of the consular convention with Belgium signed on the 5th of December, 1868, which was not effected within the time named in the convention.

U. S. GRANT.

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit to the Senate a copy of a correspondence, a list of which is hereto annexed, between the Secretary of State and the minister resident of the United States at Constantinople, and invite its consideration of the question as to the correct meaning of the fourth article of the treaty of 1830 between the United States and Turkey.

U. S. GRANT.

WASHINGTON, D. C., *December 9, 1869.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th instant, requesting reports of the military commander of the district of which Georgia is a part in regard to the political and civil condition of that State, the accompanying papers are submitted.

U. S. GRANT.

WASHINGTON, *December 9, 1869.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, asking to be informed what legislatures have ratified the proposed fifteenth amendment of the Constitution of the United States.

U. S. GRANT.

WASHINGTON, *December 15, 1869.*

To the House of Representatives:

I transmit a further report from the Secretary of State in answer to the resolution of the House of Representatives of the 9th instant, making known that official notice has been received at the Department of State of the ratification by the legislature of the State of Alabama of the amendment to the Constitution recently proposed by Congress as Article XV.

U. S. GRANT.

WASHINGTON, *December 15, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 13th instant, requesting a copy of official correspondence on the subject of Cuba, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., December 15, 1869.

To the House of Representatives:

In answer to the resolution of December 9, 1869, requesting a copy of the charges, testimony, findings, and sentence in the trial by court-martial of Passed Assistant Surgeon Charles L. Green, United States Navy, I transmit herewith a report from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., December 20, 1869.

To the Senate of the United States:

I hereby request the return of such part of my message of December 9, in response to Senate resolution of December 6, requesting the reports of the military commander of the district of which Georgia is a part, to wit, an anonymous letter purporting to be from "a Georgia woman." By accident the paper got with those called for by the resolution, instead of in the wastebasket, where it was intended it should go.

U. S. GRANT.

WASHINGTON, *December 20, 1869.*

To the Senate of the United States:

I transmit to the Senate, in relation to their resolution of the 8th instant, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, *December 22, 1869.*

To the Senate:

In answer to the resolution of the Senate of the 20th instant, in relation to correspondence between the United States and Great Britain concerning questions pending between the two countries since the rejection of the claims convention by the Senate, I transmit a report from the Secretary of State upon the subject and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *December 22, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 8th instant, a report† from the Secretary of State.

U. S. GRANT.

WASHINGTON, *January 10, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a convention between the United States and the Dominican Republic for a lease to the former of the bay and peninsula of Samana.

U. S. GRANT.

*Relating to the revolution in Cuba and the political and civil condition of that island.

†Stating that neither correspondence nor negotiation upon the subject of trade and commerce between the United States and Canada had been entered into.

WASHINGTON, *January 10, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a treaty for the annexation of the Dominican Republic to the United States, signed by the plenipotentiaries of the parties on the 29th of November last.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 10, 1870.

To the Senate of the United States:

In response to the resolution of the Senate of December 9, 1869, requesting the information in possession of the President or any of the Departments relating to the action which has been had in the District of Virginia under the act "authorizing the submission of the constitutions of Virginia, Mississippi, and Texas to a vote of the people, and authorizing the election of State officers provided by the said constitutions, and Members of Congress," approved April 10, 1869, I have the honor to transmit herewith the reports of the Secretary of State, the Secretary of War, and the Attorney-General, to whom, severally, the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 21, 1870.

To the House of Representatives:

In answer to the resolution passed by the House of Representatives on the 17th instant, requesting to be informed "under what act of Congress or by other authority appropriations for the Navy are diverted to the survey of the Isthmus of Darien," I transmit a report by the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 29, 1870.

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated 29th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

* Report of fees collected, etc., by consular officers of the United States for 1868, and tariff of consular fees.

WASHINGTON, *February 1, 1870.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 31st ultimo, a report from the Secretary of State, communicating information in relation to the action of the legislature of the State of Mississippi on the proposed fifteenth amendment to the Constitution of the United States.

U. S. GRANT.

WASHINGTON, *February 2, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th ultimo, I transmit a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

EXECUTIVE MANSION, *February 4, 1870.*

To the Senate of the United States:

I herewith lay before the Senate, for the consideration and action of that body in connection with a treaty of December 4, 1868, with the Seneca Nation of Indians, now pending, amendments to said treaty proposed at a council of said Indians held at their council house on the Cattaraugus Reservation, in New York, on the 26th ultimo.

A letter of the Secretary of the Interior, of the 3d instant, accompanies the papers.

U. S. GRANT.

EXECUTIVE MANSION, *February 4, 1870.*

To the Senate of the United States:

For the reasons stated in the accompanying communication from the Secretary of the Interior, I respectfully request to withdraw the treaties hereinafter mentioned, which are now pending before the Senate:

First. Treaty concluded with the Great and Little Osages May 27, 1868.

Second. Treaty concluded with the Sacs and Foxes of the Missouri and Iowa tribes of Indians February 11, 1869.

Third. Treaty concluded with the Otoe and Missouria Indians February 13, 1869.

Fourth. Treaty concluded with the Kansas or Kaw Indians March 13 1869.

U. S. GRANT.

WASHINGTON, *February 8, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 3d instant, calling for the number of copies of the tributes of the nations to

* Relating to the insurrection in the Red River settlement, in British North America.

Abraham Lincoln now in possession of the Department of State, I transmit a report from the Secretary of State and the paper which accompanied it.

U. S. GRANT.

WASHINGTON, *February 11, 1870.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives requesting me to furnish any information which may have been received by the Government in relation to the recent assault upon and reported murder of one or more American citizens in Cuba, I communicate a report from the Secretary of State, with the papers accompanying it.

U. S. GRANT.

WASHINGTON CITY, *February 11, 1870.*

To the Senate of the United States:

The papers in the case of Commander Jonathan Young, of the United States Navy, show—

That when the naval promotions were made in 1866 the name of Commander Jonathan Young was not included among them, and he was passed over, while Commander George W. Young was not passed over; that among other testimonials is one from Vice-Admiral D. D. Porter stating that "Commander Jonathan Young was passed over by mistake; that he was recommended for promotion, while Commander George W. Young was not recommended for promotion, and by some singular mistake the latter was promoted, while the former was passed over."

That eminent officers, formerly *junior* to Commander Young, but promoted over his head, desire his restoration to his former position, because they consider such restoration due to his character, ability, and services.

In view, therefore, of these facts, and of the general good standing of Commander Jonathan Young, and of his gallant and efficient services during the war, and to remedy so far as is now possible what is believed to have been a clerical error of the Department, which has worked to his injury, the Department now recommends that he be restored to his original standing upon the navy list.

For these reasons I nominate Commander Jonathan Young to be restored to his original position, to take rank from the 25th July, 1866, and next after Commander William T. Truxtun.

U. S. GRANT.

WASHINGTON, D. C., *February 11, 1870.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 4th instant, requesting information in regard to the proceedings had in the State of Georgia in

pursuance of the recent act of Congress entitled "An act to promote the reconstruction of the State of Georgia," and in relation to the organization of the legislature of that State since the passage of that act, I herewith transmit the report of the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 15, 1870.*

To the Senate of the United States:

In reply to a resolution of the Senate of the 9th instant, in relation to the Central Branch, Union Pacific Railroad Company, I transmit a copy of a letter addressed to me on the 27th ultimo by the Secretary of the Interior. It contains all the information in my possession touching the action of any of the Departments on the claim of that company to continue and extend its road and to receive in aid of the construction thereof lands and bonds from the United States.

U. S. GRANT.

WASHINGTON, *February 16, 1870.*

To the Senate of the United States:

In response to the resolution of the Senate of the 8th instant, asking "how much of the appropriations heretofore made, amounting to $100,000, to provide for the defense of certain suits now pending in the Court of Claims, known as the cotton cases, has been expended, and to whom the same has been paid; for what services rendered, and the amount paid to each of said persons; and also the number of clerks in the Treasury Department, and other persons, with their names, engaged or occupied in the defense of said suits," I herewith transmit the report of the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 16, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th instant, I transmit a report* from the Secretary of State, with accompanying documents.

U. S. GRANT.

WASHINGTON, *February 17, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 24th ultimo, the report from the Secretary of State, with accompaniments.†

U. S. GRANT.

* Relating to the payment in currency, instead of coin, of the semiannual installments of interest due to the United States under the convention with Spain concluded February 17, 1834, and opinion of the Attorney-General relative thereto.

† Lists of officers commissioned by the Department of State, their compensation, etc.

WASHINGTON, *February 18, 1870.*

To the House of Representatives:

I transmit to the House of Representatives, in further answer to their resolution requesting information in relation to the recent assault upon and reported murder of one or more American citizens in Cuba, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *February 19, 1870.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 11th instant, requesting "any information which may have been received by the Government of the recently reported engagement of Colonel Baker with the Indians,* with copies of all orders which led to the same," I transmit a report from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1870.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 7th instant, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

WASHINGTON, *February 23, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 14th instant, a report from the Secretary of State, with accompanying documents.‡

U. S. GRANT.

WASHINGTON, *February 24, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st instant, directing the Secretary of State to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican Government, I transmit a report of the Secretary of State upon the subject.

U. S. GRANT.

*Piegan in Montana.

†Correspondence relative to affairs connected with Cuba and to the struggle for independence in that island.

‡Correspondence of the United States minister to Japan relative to American interests in that country.

WASHINGTON, *February 28, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th instant, requesting to be informed "if any officer of the Government has, contrary to the treaty of July 19, 1866, with the Cherokee Nation, enforced or sought to enforce the payment of taxes by Cherokees on products manufactured in the Cherokee Nation and sold within the Indian Territory," I transmit a report from the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 28, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th instant, I transmit a report from the Secretary of State upon the subject,* and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *March 1, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a communication from the Secretary of State, with the accompanying documents, relative to the claims of citizens of the United States on the Government of Venezuela which were adjusted by the commission provided for by the convention with that Republic of April 25, 1866.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 3, 1870.

To the House of Representatives:

I transmit herewith, in response to the resolution of the House asking for information in relation to the repairs of Spanish war vessels at the docks of the United States, the report of the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 8, 1870.

To the Senate and House of Representatives:

Herewith I have the honor to transmit a communication from the Secretary of the Interior, relative to the obligation of Congress to make the necessary appropriations to carry out the Indian treaties made by what is known as the Peace Commission of 1867.

* Imprisonment of American citizens in Great Britain for political offenses.

The history of those treaties and the consequences of noncompliance with them by the Government are so clearly set forth in this statement that I deem it better to communicate it in full than to ask the necessary appropriation in a shorter statement of the reasons for it. I earnestly desire that if an Indian war becomes inevitable the Government of the United States at least should not be responsible for it. Pains will be taken, and force used if necessary, to prevent the departure of the expeditions referred to by the Secretary of the Interior.

U. S. GRANT.

WASHINGTON, *March 10, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 4th instant, in relation to the "Transcontinental, Memphis, El Paso and Pacific Railroad Company," I transmit reports from the Secretary of State and the Secretary of the Interior, with accompanying papers.

U. S. GRANT.

WASHINGTON, *March 10, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th ultimo, a report * from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 14, 1870.

To the Senate of the United States:

In reply to your resolution of the 14th of February, requesting to be informed whether I desire that any of the Indian treaties now pending before you be considered confidentially, I have to inform you that there are none of them which I object to having discussed in open session.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 14, 1870.

To the Senate of the United States:

I would respectfully call your attention to a treaty now before you for the acquisition of the Republic of St. Domingo, entered into between the agents of the two Governments on the 29th of November, 1869, and by its terms to be finally acted upon by the people of St. Domingo and the Senate of the United States within four months from the date of signing

* Relating to legislation necessary to insure the administration of justice and the protection of American interests in China and Japan.

the treaty. The time for action expires on the 29th instant, a fact to which I desire expressly to call your attention. I would also direct your notice to the fact that the Government of St. Domingo has no agent in the United States who is authorized to extend the time for further deliberation upon its merits.

The people of St. Domingo have already, so far as their action can go, ratified the treaty, and I express the earnest wish that you will not permit it to expire by limitation. I also entertain the sincere hope that your action may be favorable to the ratification of the treaty.

U. S. GRANT.

WASHINGTON, *March 15, 1870.*

To the Senate of the United States:

I transmit a report from the Secretary of State, in answer to a resolution of the Senate of the 3d instant, asking to be informed what States have ratified the amendment known as the fifteenth amendment to the Constitution of the United States, so far as official notice thereof has been transmitted to the Department of State, and that information from time to time may be communicated to that body, as soon as practicable, of such ratification hereafter by any State.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 23, 1870.

To the Senate and House of Representatives:

In the Executive message of December 6, 1869, to Congress the importance of taking steps to revive our drooping merchant marine was urged, and a special message promised at a future day during the present session, recommending more specifically plans to accomplish this result. Now that the committee of the House of Representatives intrusted with the labor of ascertaining "the cause of the decline of American commerce" has completed its work and submitted its report to the legislative branch of the Government, I deem this a fitting time to execute that promise.

The very able, calm, and exhaustive report of the committee points out the grave wrongs which have produced the decline in our commerce. It is a national humiliation that we are now compelled to pay from twenty to thirty million dollars annually (exclusive of passage money, which we should share with vessels of other nations) to foreigners for doing the work which should be done by American vessels, American built, American owned, and American manned. This is a direct drain upon the resources of the country of just so much money, equal to casting it into the sea, so far as this nation is concerned.

A nation of the vast and ever-increasing interior resources of the

United States, extending, as it does, from one to the other of the great oceans of the world, with an industrious, intelligent, energetic population, must one day possess its full share of the commerce of these oceans, no matter what the cost. Delay will only increase this cost and enhance the difficulty of attaining the result.

I therefore put in an earnest plea for early action in this matter, in a way to secure the desired increase of American commerce. The advanced period of the year and the fact that no contracts for shipbuilding will probably be entered into until this question is settled by Congress, and the further fact that if there should be much delay all large vessels contracted for this year will fail of completion before winter sets in, and will therefore be carried over for another year, induces me to request your early consideration of this subject.

I regard it of such grave importance, affecting every interest of the country to so great an extent, that any method which will gain the end will secure a rich national blessing. Building ships and navigating them utilizes vast capital at home; it employs thousands of workmen in their construction and manning; it creates a home market for the products of the farm and the shop; it diminishes the balance of trade against us precisely to the extent of freights and passage money paid to American vessels, and gives us a supremacy upon the seas of inestimable value in case of foreign war.

Our Navy at the commencement of the late war consisted of less than 100 vessels, of about 150,000 tons and a force of about 8,000 men. We drew from the merchant marine, which had cost the Government nothing, but which had been a source of national wealth, 600 vessels, exceeding 1,000,000 tons, and about 70,000 men, to aid in the suppression of the rebellion.

This statement demonstrates the value of the merchant marine as a means of national defense in time of need.

The Committee on the Causes of the Reduction of American Tonnage, after tracing the causes of its decline, submit two bills, which, if adopted, they believe will restore to the nation its maritime power. Their report shows with great minuteness the actual and comparative American tonnage at the time of its greatest prosperity; the actual and comparative decline since, together with the causes; and exhibits all other statistics of material interest in reference to the subject. As the report is before Congress, I will not recapitulate any of its statistics, but refer only to the methods recommended by the committee to give back to us our lost commerce.

As a general rule, when it can be adopted, I believe a direct money subsidy is less liable to abuse than an indirect aid given to the same enterprise. In this case, however, my opinion is that subsidies, while they may be given to specified lines of steamers or other vessels, should not be exclusively adopted, but, in addition to subsidizing very desirable

lines of ocean traffic, a general assistance should be given in an effective way. I therefore commend to your favorable consideration the two bills proposed by the committee and referred to in this message.

U. S. GRANT.

EXECUTIVE MANSION, *March 25, 1870.*

To the Senate of the United States:

In reply to a Senate resolution of the 24th instant, requesting to be furnished with a report, written by Captain Selfridge, upon the resources and condition of things in the Dominican Republic, I have to state that no such report has been received.

U. S. GRANT.

WASHINGTON, *March 25, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 15th ultimo, I transmit a report, with accompanying paper,* from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *March 29, 1870.*

To the House of Representatives:

In reply to your resolution of December 20, 1869, asking "whether any citizens of the United States are imprisoned or detained in military custody by officers of the Army of the United States, and, if any, to furnish their names, date of arrest, the offenses charged, together with a statement of what measures have been taken for the trial and punishment of the offenders," I transmit herewith the report of the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *March 30, 1870.*

To the Senate and House of Representatives:

It is unusual to notify the two Houses of Congress by message of the promulgation, by proclamation of the Secretary of State, of the ratification of a constitutional amendment. In view, however, of the vast importance of the fifteenth amendment to the Constitution, this day declared a part of that revered instrument, I deem a departure from the usual custom justifiable. A measure which makes at once 4,000,000 people voters who were heretofore declared by the highest tribunal in the land not citizens of the United States, nor eligible to become so (with the assertion that "at the time of the Declaration of Independence the opinion

*Statement of the number and character of the ironclad vessels of the Navy, their cost, by whom designed, who recommended their construction, and their condition.

was fixed and universal in the civilized portion of the white race, regarded as an axiom in morals as well as in politics, that black men had no rights which the white man was bound to respect''), is indeed a measure of grander importance than any other one act of the kind from the foundation of our free Government to the present day.

Institutions like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism, and industry. I call the attention, therefore, of the newly enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To the race more favored heretofore by our laws I would say, Withhold no legal privilege of advancement to the new citizen. The framers of our Constitution firmly believed that a republican government could not endure without intelligence and education generally diffused among the people. The Father of his Country, in his Farewell Address, uses this language:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

In his first annual message to Congress the same views are forcibly presented, and are again urged in his eighth message.

I repeat that the adoption of the fifteenth amendment to the Constitution completes the greatest civil change and constitutes the most important event that has occurred since the nation came into life. The change will be beneficial in proportion to the heed that is given to the urgent recommendations of Washington. If these recommendations were important then, with a population of but a few millions, how much more important now, with a population of 40,000,000, and increasing in a rapid ratio. I would therefore call upon Congress to take all the means within their constitutional powers to promote and encourage popular education throughout the country, and upon the people everywhere to see to it that all who possess and exercise political rights shall have the opportunity to acquire the knowledge which will make their share in the Government a blessing and not a danger. By such means only can the benefits contemplated by this amendment to the Constitution be secured.

U. S. GRANT.

HAMILTON FISH, SECRETARY OF STATE OF THE UNITED STATES.

To all to whom these presents may come, greeting:

Know ye that the Congress of the United States, on or about the 27th day of February, in the year 1869, passed a resolution in the words and figures following, to wit:

A RESOLUTION proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (*two-thirds of both Houses concurring*), That the following article be proposed to the legislatures of the several States as an amendment to the

Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, viz:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

And further, that it appears from official documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of North Carolina, West Virginia, Massachusetts, Wisconsin, Maine, Louisiana, Michigan, South Carolina, Pennsylvania, Arkansas, Connecticut, Florida, Illinois, Indiana, New York, New Hampshire, Nevada, Vermont, Virginia, Alabama, Missouri, Mississippi, Ohio, Iowa, Kansas, Minnesota, Rhode Island, Nebraska, and Texas; in all, twenty-nine States;

And further, that the States whose legislatures have so ratified the said proposed amendment constitute three-fourths of the whole number of States in the United States;

And further, that it appears from an official document on file in this Department that the legislature of the State of New York has since passed resolutions claiming to withdraw the said ratification of the said amendment, which had been made by the legislature of that State, and of which official notice had been filed in this Department;

And further, that it appears from an official document on file in this Department that the legislature of Georgia has by resolution ratified the said proposed amendment:

Now, therefore, be it known that I, Hamilton Fish, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of Congress approved the 20th day of April, in the year 1818, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," do hereby certify that the amendment aforesaid has become valid to all intents and purposes as part of the Constitution of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the city of Washington this 30th day of March, A. D. 1870, and of the Independence of the United States the ninety-fourth.

HAMILTON FISH.

WASHINGTON, *March 31, 1870.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty between the United States and the United States of Colombia for the construction of an interoceanic canal across the Isthmus of Panama or Darien, signed at Bogota on the 26th of January last.

A copy of a dispatch of the 1st ultimo to the Secretary of State from General Hurlbut, the United States minister at Bogota, relative to the treaty, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *March 31, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a further communication from the Secretary of State, with the accompanying documents, relative to the claims of citizens of the United States on the Government of Venezuela which were adjusted by the commission provided for by the convention with that Republic of April 25, 1866.

U. S. GRANT.

WASHINGTON, *March 31, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, relating to fisheries in British waters, I transmit a report from the Secretary of State and the papers which accompanied it, and I have to state that the commanding officer of the naval steamer ordered to the fishing grounds will be instructed to give his attention, should circumstances require it, to cases which may arise under any change which may be made in the British laws affecting fisheries within British jurisdiction, with a view to preventing, so far as it may be in his power, infractions by citizens of the United States of the first article of the treaty between the United States and Great Britain of 1818, the laws in force relating to fisheries within British jurisdiction, or any illegal interference with the pursuits of the fishermen of the United States.

U. S. GRANT.

WASHINGTON, *April 5, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th ultimo, I transmit a report* from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *April 6, 1870.*

To the House of Representatives:

In answer to your resolution of the 7th ultimo, requesting to be furnished with a copy of orders, correspondence, reports of councils with Indians by military and civil officers of the Government, in possession of the Interior and War Departments, relating to difficulties with the Cheyenne, Comanche, Arapahoe, Apache, and Kiowa tribes of Indians during the year 1867, etc., I herewith transmit the reports received from those Departments.

U. S. GRANT.

*Declining to communicate a copy of the list of privileges accompanying or relating to the San Domingo treaty while the subject is pending before the Senate in executive session.

WASHINGTON, *April 14, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, relative to results of the proceedings of the joint commission at Lima under the convention between the United States and Peru of 4th of December, 1868, and recommend that an appropriation be made to discharge the obligation of the United States in the case of the claim of Esteban G. Montano, to which the report refers.

U. S. GRANT.

EXECUTIVE MANSION, *April 20, 1870.*

To the House of Representatives:

In answer to your resolution of the 21st ultimo, requesting to be informed "whether any portion of the military forces of the United States has been sent into the counties of Bourbon, Crawford, and Cherokee, in the State of Kansas, and, if so, when, what number, for what purpose, and on whose procurement; and also whether they have been required to erect there any winter quarters, forts, fortifications, or earthworks, and, if so, what, for what purpose, and at whose expense, and at what probable expense to the Government have all said acts been done," I transmit herewith a report, dated 18th instant, from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *April 26, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 9th instant, I transmit a report from the Secretary of State and the paper* which accompanied it.

U. S. GRANT.

WASHINGTON, *May 6, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 26th ultimo, I transmit a report from the Secretary of State and the papers† by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 21, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 18th instant, calling for information relative to the passage of any English or

*Supplemental report to the Department of State by Samuel B. Ruggles, United States delegate to the International Monetary Conference at Paris, 1867.

†Dispatches of J. Somers Smith, commercial agent of the United States at San Domingo, relative to the imprisonment of Davis Hatch by the Dominican Government.

Canadian steamer through the canal of Sault Ste. Marie, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *May 23, 1870.*

To the Senate of the United States:

In response to your resolution of the 12th instant, requesting information "in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming, or vicinity, the number and designs of such persons," I transmit herewith the reports of the Secretary of War and the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *May 23, 1870.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 5th instant, a report from the Secretary of State and its accompanying papers.*

U. S. GRANT.

WASHINGTON, *May 26, 1870.*

To the Senate of the United States:

I have the satisfaction of transmitting to the Senate, for consideration with a view to its ratification, a convention between the United States and Her Britannic Majesty, relative to naturalization, signed in London on the 13th instant.

The convention is substantially the same as the protocol on the subject signed by Mr. Reverdy Johnson and Lord Stanley on the 9th of October, 1868, and approved by the Senate on the 13th April, 1869.

If the instrument should go into effect, it will relieve the parties from a grievance which has hitherto been a cause of frequent annoyance and sometimes of dangerous irritation.

A copy of Mr. Motley's dispatch on the subject and of the act of Parliament of May 12, 1870, are also transmitted.

U. S. GRANT.

WASHINGTON, *May 28, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 24th instant, I transmit a report from the Secretary of State and the document† by which it was accompanied.

U. S. GRANT.

*Relating to the claims of United States citizens against Venezuela.

†Dispatch from Henry T. Blow, United States minister to Brazil, relative to the commercial interests of the United States with South America.

EXECUTIVE MANSION, *May 31, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, an additional article to the treaty of the 29th of November last, for the annexation of the Dominican Republic to the United States, stipulating for an extension of the time for exchanging the ratifications thereof, signed in this city on the 14th instant by the plenipotentiaries of the parties.

It was my intention to have also negotiated with the plenipotentiary of San Domingo amendments to the treaty of annexation to obviate objections which may be urged against the treaty as it is now worded; but on reflection I deem it better to submit to the Senate the propriety of their amending the treaty as follows: First, to specify that the obligations of this Government shall not exceed the $1,500,000 stipulated in the treaty; secondly, to determine the manner of appointing the agents to receive and disburse the same; thirdly, to determine the class of creditors who shall take precedence in the settlement of their claims; and, finally, to insert such amendments as may suggest themselves to the minds of Senators to carry out in good faith the conditions of the treaty submitted to the Senate of the United States in January last, according to the spirit and intent of that treaty. From the most reliable information I can obtain, the sum specified in the treaty will pay every just claim against the Republic of San Domingo and leave a balance sufficient to carry on a Territorial government until such time as new laws for providing a Territorial revenue can be enacted and put in force.

I feel an unusual anxiety for the ratification of this treaty, because I believe it will redound greatly to the glory of the two countries interested, to civilization, and to the extirpation of the institution of slavery.

The doctrine promulgated by President Monroe has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power.

The Government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than 120,000 souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of 10,000,000 people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support.

They yearn for the protection of our free institutions and laws, our progress and civilization. Shall we refuse them?

I have information which I believe reliable that a European power stands ready now to offer $2,000,000 for the possession of Samana Bay alone. If refused by us, with what grace can we prevent a foreign power from attempting to secure the prize?

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forests, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports.

In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast.

At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now on the island.

This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that the contiguous islands should have the same advantages in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products.

The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from east to west by the way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once and ultimately so in Brazil; it is to settle

the unhappy condition of Cuba, and end an exterminating conflict; it is to provide honest means of paying our honest debts, without overtaxing the people; it is to furnish our citizens with the necessaries of everyday life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., June 2, 1870

To the Senate of the United States:

In reply to your resolution of the 1st instant, requesting, "in confidence," any information in possession of the President "touching any proposition, offer, or design of any foreign power to purchase or obtain any part of the territory of San Domingo or any right to the Bay of Samana," I transmit herewith a copy of a letter, dated 27th of April, 1870, addressed to "Colonel J. W. Fabens, Dominican minister, Washington," by "E. Herzberg Hartmount, Dominican consul-general in London."

U. S. GRANT.

WASHINGTON, *June 3, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 18th ultimo, a report from the Secretary of State, with an accompanying paper.*

U. S. GRANT.

WASHINGTON, *June 3, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, an additional convention to the treaty of the 7th of April, 1862, for the suppression of the African slave trade, which additional convention was signed on this day in the city of Washington by the plenipotentiaries of the high contracting parties.

U. S. GRANT.

WASHINGTON, *June 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 3d instant, the accompanying report† from the Secretary of State.

U. S. GRANT.

*Communication from George Bancroft, United States minister at Berlin, relative to political questions in Germany.

†Stating that he has received no official information relative to a reported persecution and massacre of Israelites in Roumania.

EXECUTIVE MANSION, *June 13, 1870.*

To the Senate and House of Representatives:

In my annual message to Congress at the beginning of its present session I referred to the contest which had then for more than a year existed in the island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that "the contest has at no time assumed the conditions which amount to war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency."

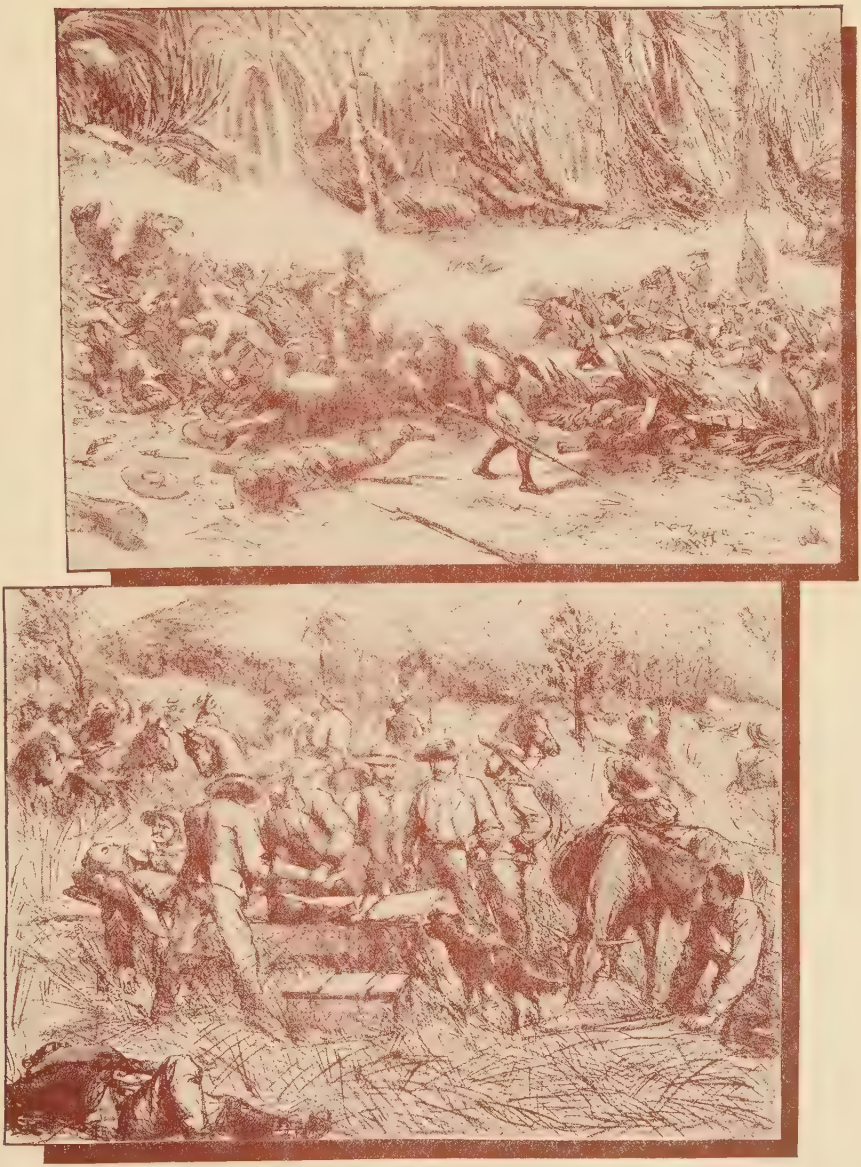
During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men, roaming without concentration through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

Whatever may be the sympathies of the people or of the Government



THE PERPETUAL CUBAN REVOLUTION

THE PERPETUAL CUBAN REVOLUTION

Cuba has played a large and interesting part in our history from the very earliest days. The article "Cuba," in the index (volume eleven), succinctly presents the salient facts regarding her natural resources, her history and her present condition. She was a bone of contention in our domestic politics. The South, represented by the Democratic party, was bent on annexing her; proffers were made of money to insolvent Spain, only to be spurned; if gold will not buy, force of arms must conquer, was the motto. With the encouragement of the South, filibustering expeditions were fitted out, and with the connivance of traitorous Southern agents of the Federal Government, escaped the vigilance of our cruisers only to be snapped up by the watchful Spaniards. Such violations of our treaties were likely to bring on war; far from dreading such a result, the South would have welcomed it with glee, for then the doctrine of "manifest destiny" with which they sought to palliate our unjust war on Mexico, would cloak the robbing of Cuba from Spain. Why did the South want Cuba? Simply because if annexed two or three new slave states could be created, four or six new slave Senators be elected, and their vanishing domination in Congress be restored. The illustrations are contemporary and truthful representations of scenes in the Cuban insurrection of 1868–1877. The post-bellum view of Cuban affairs will be found by consulting the discussions of the matter by the Presidents from Grant to McKinley, on the pages cited by the index under the heading "Cuba." On page 2701 President Fillmore states the reasons against annexation, and on page 3041 President Buchanan recommends it.

of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the Government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations and with such continued outrage upon the plainest principles of humanity.

We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans. Each commit the same atrocities and outrage alike the established rules of war.

The properties of many of our citizens have been destroyed or embargoed, the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the Government an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare.

I have, since the beginning of the present session of Congress, communicated to the House of Representatives, upon their request, an account of the steps which I had taken in the hope of bringing this sad conflict to an end and of securing to the people of Cuba the blessings and the right of independent self-government. The efforts thus made failed, but not without an assurance from Spain that the good offices of this Government might still avail for the objects to which they had been addressed.

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping from the island and avoiding the risks of war; congregating in this country, at a safe distance from the scene of danger, and endeavoring to make war from our shores, to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency.

It is stated on what I have reason to regard as good authority that Cuban bonds have been prepared to a large amount, whose payment is made dependent upon the recognition by the United States of either Cuban belligerency or independence. The object of making their value thus contingent upon the action of this Government is a subject for serious reflection.

In determining the course to be adopted on the demand thus made for a recognition of belligerency the liberal and peaceful principles adopted by the Father of his Country and the eminent statesmen of his day, and followed by succeeding Chief Magistrates and the men of their day, may furnish a safe guide to those of us now charged with the direction and control of the public safety.

From 1789 to 1815 the dominant thought of our statesmen was to keep the United States out of the wars which were devastating Europe. The discussion of measures of neutrality begins with the State papers of Mr. Jefferson when Secretary of State. He shows that they are measures of national right as well as of national duty; that misguided individual citizens can not be tolerated in making war according to their own caprice, passions, interests, or foreign sympathies; that the agents of foreign governments, recognized or unrecognized, can not be permitted to abuse our hospitality by usurping the functions of enlisting or equipping military or naval forces within our territory. Washington inaugurated the policy of neutrality and of absolute abstinence from all foreign entangling alliances, which resulted, in 1794, in the first municipal enactment for the observance of neutrality.

The duty of opposition to filibustering has been admitted by every President. Washington encountered the efforts of Genêt and of the French revolutionists; John Adams, the projects of Miranda; Jefferson, the schemes of Aaron Burr. Madison and subsequent Presidents had to deal with the question of foreign enlistment or equipment in the United States, and since the days of John Quincy Adams it has been one of the constant cares of Government in the United States to prevent piratical expeditions against the feeble Spanish American Republics from leaving our shores. In no country are men wanting for any enterprise that holds out promise of adventure or of gain.

In the early days of our national existence the whole continent of America (outside of the limits of the United States) and all its islands were in colonial dependence upon European powers.

The revolutions which from 1810 spread almost simultaneously through all the Spanish American continental colonies resulted in the establishment of new States, like ourselves, of European origin, and interested in excluding European politics and the questions of dynasty and of balances of power from further influence in the New World.

The American policy of neutrality, important before, became doubly so from the fact that it became applicable to the new Republics as well as to the mother country.

It then devolved upon us to determine the great international question at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations, as well as the preliminary question of the attitude to be observed by this Government toward the insurrectionary party pending the contest.

Mr. Monroe concisely expressed the rule which has controlled the action of this Government with reference to revolting colonies pending their struggle by saying:

> As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the rights to which they were entitled by the laws of nations as equal parties to a civil war were extended to them.

The strict adherence to this rule of public policy has been one of the highest honors of American statesmanship, and has secured to this Government the confidence of the feeble powers on this continent, which induces them to rely upon its friendship and absence of designs of conquest and to look to the United States for example and moral protection. It has given to this Government a position of prominence and of influence which it should not abdicate, but which imposes upon it the most delicate duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominion.

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount in fact to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war. There must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc.; and to justify a recognition of belligerency there must be, above all, a *de facto* political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see in the present condition of the contest in Cuba those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops; there is no commerce, no trade, either internal or foreign, no manufactures.

The late commander in chief of the insurgents, having recently come to the United States, publicly declared that "all commercial intercourse or trade with the exterior world has been utterly cut off;" and he further added: "To-day we have not 10,000 arms in Cuba."

It is a well-established principle of public law that a recognition by

a foreign state of belligerent rights to insurgents under circumstances such as now exist in Cuba, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion. Such necessity may yet hereafter arrive, but it has not yet arrived, nor is its probability clearly to be seen.

If it be war between Spain and Cuba, and be so recognized, it is our duty to provide for the consequences which may ensue in the embarrassment to our commerce and the interference with our revenue.

If belligerency be recognized, the commercial marine of the United States becomes liable to search and to seizure by the commissioned cruisers of both parties; they become subject to the adjudication of prize courts.

Our large coastwise trade between the Atlantic and the Gulf States and between both and the Isthmus of Panama and the States of South America (engaging the larger part of our commercial marine) passes of necessity almost in sight of the island of Cuba. Under the treaty with Spain of 1795, as well as by the law of nations, our vessels will be liable to visit on the high seas. In case of belligerency the carrying of contraband, which now is lawful, becomes liable to the risks of seizure and condemnation. The parent Government becomes relieved from responsibility for acts done in the insurgent territory, and acquires the right to exercise against neutral commerce all the powers of a party to a maritime war. To what consequences the exercise of those powers may lead is a question which I desire to commend to the serious consideration of Congress.

In view of the gravity of this question, I have deemed it my duty to invite the attention of the war-making power of the country to all the relations and bearings of the question in connection with the declaration of neutrality and granting of belligerent rights.

There is not a *de facto* government in the island of Cuba sufficient to execute law and maintain just relations with other nations. Spain has not been able to suppress the opposition to Spanish rule on the island, nor to award speedy justice to other nations, or citizens of other nations, when their rights have been invaded.

There are serious complications growing out of the seizure of American vessels upon the high seas, executing American citizens without proper trial, and confiscating or embargoing the property of American citizens. Solemn protests have been made against every infraction of the rights either of individual citizens of the United States or the rights of our flag upon the high seas, and all proper steps have been taken and are being pressed for the proper reparation of every indignity complained of.

The question of belligerency, however, which is to be decided upon definite principles and according to ascertained facts, is entirely different from and unconnected with the other questions of the manner in which

the strife is carried on on both sides and the treatment of our citizens entitled to our protection.

The questions concern our own dignity and responsibility, and they have been made, as I have said, the subjects of repeated communications with Spain and of protests and demands for redress on our part. It is hoped that these will not be disregarded, but should they be these questions will be made the subject of a further communication to Congress.

U. S. GRANT.

EXECUTIVE MANSION, *June 17, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting the President "to communicate, in confidence, the instructions of the Navy Department to the navy officers in command on the coast of Dominica and Hayti, and the reports of such officers to the Navy Department, from the commencement of the negotiation of the treaty with Dominica," I herewith transmit the papers received from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *June 25, 1870.*

To the Senate of the United States:

In answer to the resolution of the 22d instant, requesting to be furnished with "proposals received from any company or citizens of the United States for constructing and placing iron steamships in transatlantic service," I transmit herewith the only proposal of that nature received by me.

U. S. GRANT.

WASHINGTON, *July 9, 1870.*

To the Senate of the United States:

In answer to the resolutions of the Senate of the 26th of May and of the 14th of June last, I transmit a report from the Secretary of State thereupon, and the papers* by which it was accompanied.

U. S. GRANT.

WASHINGTON, *July 12, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and Austria, concerning the

*Lists of American vessels seized by Spanish authorities in Cuba; of American citizens executed and imprisoned in Cuba; of American citizens whose property was confiscated or embargoed in Cuba, and of decrees under which the Spanish authorities acted, and correspondence showing steps taken by the United States Government in reference thereto.

rights, privileges, and immunities of consuls in the two countries, signed at Washington on the 11th instant.

U. S. GRANT.

WASHINGTON, *July 13, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 8th instant, a report from the Secretary of State and the papers* which accompanied it.

U. S. GRANT.

WASHINGTON, *July 13, 1870.*

To the Senate of the United States:

In answer to their resolution of the 8th instant, I transmit to the Senate a report from the Secretary of State and the papers† which accompanied it.

U. S. GRANT.

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 7th instant, a report from the Secretary of State, with accompanying documents.

U. S. GRANT.

DEPARTMENT OF STATE,
Washington, July 14, 1870.

The Secretary of State, to whom was referred the resolution of the Senate requesting the President "to institute an inquiry, by such means as in his judgment shall be deemed proper, into the present condition of the commercial relations between the United States and the Spanish American States on this continent, and between those countries and other nations, and to communicate to the Senate full and complete statements regarding the same, together with such recommendations as he may think necessary to promote the development and increase of our commerce with those regions and to secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the States of America justly entitle them," has the honor to report:

The resolution justly regards the commercial and the political relations of the United States with the American States of Spanish origin as necessarily dependent upon each other. If the commerce of those countries has been diverted from its natural connection with the United States, the fact may probably be partly traced to political causes, which have been swept away by the great civil convulsion in this country.

For the just comprehension of the position of this Government in the American political system, and for the causes which have failed to give it hitherto the influence

* Instructions to the minister to Spain stating the basis on which the United States offered its good offices for the purpose of terminating the war in Cuba, correspondence relative thereto, etc.

† Correspondence between the United States and Great Britain concerning questions pending between the two countries.

to which it is properly entitled by reason of its democratic system and of the moderation and sense of justice which have distinguished its foreign policy through successive Administrations from the birth of the nation until now, it is necessary to make a brief notice of such measures as affect our present relations to the other parts of this continent.

The United States were the first of the European colonies in America to arrive at maturity as a people and assume the position of an independent republic. Since then important changes have taken place in various nations and in every part of the world. Our own growth in power has been not the least remarkable of all the great events of modern history.

When, at the conclusion of the Revolutionary War, having conquered by arms our right to exist as a sovereign state, that right was at length recognized by treaties, we occupied only a narrow belt of land along the Atlantic coast, hemmed in at the north, the west, and the south by the possessions of European Governments, or by uncultivated wastes beyond the Alleghanies, inhabited only by the aborigines. But in the very infancy of the United States far-sighted statesmen saw and predicted that, weak in population and apparently restricted in available territory as the new Republic then was, it had within it the germs of colossal grandeur, and would at no remote day occupy the continent of America with its institutions, its authority, and its peaceful influence.

That expectation has been thus far signally verified. The United States entered at once into the occupation of their rightful possessions westward to the banks of the Mississippi. Next, by the spontaneous proffer of France, they acquired Louisiana and its territorial extension, or right of extension, north to the line of the treaty demarcation between France and Great Britain, and west to the Pacific Ocean. Next, by amicable arrangement with Spain, they acquired the Floridas, and complete southern maritime frontiers upon the Gulf of Mexico. Then came the union with the independent State of Texas, followed by the acquisitions of California and New Mexico, and then of Arizona. Finally, Russia has ceded to us Alaska, and the continent of North America has become independent of Europe, except so much of it as continues to maintain political relations with Great Britain.

Meanwhile, partly by natural increase and partly by voluntary immigration from Europe, our population has risen from 3,000,000 to nearly 40,000,000; the number of States and Territories united under the Constitution has been augmented from thirteen to forty-seven; the development of internal wealth and power has kept pace with political expansion; we have occupied in part and peopled the vast interior of the continent; we have bound the Pacific to the Atlantic by a chain of intervening States and organized Territories; we have delivered the Republic from the anomaly and the ignominy of domestic servitude; we have constitutionally fixed the equality of all races and of all men before the law; and we have established, at the cost of a great civil war—a cost, however, not beyond the value of such a result—the indissoluble national unity of the United States.

In all these marked stages of national progress, from the Declaration of Independence to the recent amendments of the Constitution, it is impossible not to perceive a providential series and succession of events, intimately attached one to the other, and possessed of definite character as a whole, whatever incidental departures from such uniformity may have marked, or seemed to mark, our foreign policy under the influence of temporary causes or of the conflicting opinions of statesmen.

In the time of Washington, of the first Adams, of Jefferson, and of Madison the condition of Europe, engaged in the gigantic wars of the French Revolution and of the Empire, produced its series of public questions and gave tone and color to our foreign policy. In the time of Monroe, of the second Adams, and of Jackson, and subsequently thereto, the independence of the Spanish and Portuguese colonies of America produced its series of questions and its apparent modification of our public

policy. Domestic questions of territorial organization, of social emancipation, and of national unity have also largely occupied the minds and the attention of the later Administrations.

The treaties of alliance and guaranty with France, which contributed so much to our independence, were one source of solicitude to the early Administrations, which were endeavoring to protect our commerce from the depredations and wrongs to which the maritime policy of England and the reaction of that policy on France subjected it. For twenty years we struggled in vain to accomplish this, and at last drifted into war.

The avoidance of entangling alliances, the characteristic feature of the foreign policy of Washington, sprang from this condition of things. But the entangling alliances which then existed were engagements made with France as a part of the general contract under which aid was furnished to us for the achievement of our independence. France was willing to waive the letter of the obligation as to her West India possessions, but demanded in its stead privileges in our ports which the Administration was unwilling to concede. To make its refusal acceptable to a public which sympathized with France, the Cabinet of General Washington exaggerated the principle into a theory tending to national isolation.

The public measures designed to maintain unimpaired the domestic sovereignty and the international neutrality of the United States were independent of this policy, though apparently incidental to it. The municipal laws enacted by Congress then and since have been but declarations of the law of nations. They are essential to the preservation of our national dignity and honor; they have for their object to repress and punish all enterprises of private war, one of the last relics of mediæval barbarism; and they have descended to us from the fathers of the Republic, supported and enforced by every succeeding President of the United States.

The foreign policy of these early days was not a narrow one. During this period we secured the evacuation by Great Britain of the country wrongfully occupied by her on the Lakes; we acquired Louisiana; we measured forces on the sea with France, and on the land and sea with England; we set the example of resisting and chastising the piracies of the Barbary States; we initiated in negotiations with Prussia the long line of treaties for the liberalization of war and the promotion of international intercourse; and we steadily demanded, and at length obtained, indemnification from various governments for the losses we had suffered by foreign spoliations in the wars of Europe.

To this point in our foreign policy we had arrived when the revolutionary movements in Spanish and Portuguese America compelled a modification of our relations with Europe, in consequence of the rise of new and independent states in America.

The revolution which commenced in 1810, and extended through all the Spanish American continental colonies, after vain efforts of repression on the part of Spain, protracted through twenty years, terminated in the establishment of the independent States of Mexico, Guatemala, San Salvador, Honduras, Nicaragua, Costa Rica, Venezuela, Colombia, Ecuador, Peru, Chile, Bolivia, the Argentine Republic, Uruguay, and Paraguay, to which the Empire of Brazil came in time to be added. These events necessarily enlarged the sphere of action of the United States, and essentially modified our relations with Europe and our attitude to the rest of this continent.

The new States were, like ourselves, revolted colonies. They continued the precedent we had set, of separating from Europe. Their assumption of independence was stimulated by our example. They professedly imitated us, and copied our National Constitution, sometimes even to their inconvenience.

The Spanish American colonies had not the same preparation for independence that we had. Each of the British colonies possessed complete local autonomy. Its formal transition from dependence to independence consisted chiefly in expelling the British governor of the colony and electing a governor of the State, from

which to the organized Union was but a step. All these conditions of success were wanting in Spanish America, and hence many of the difficulties in their career as independent states; and, further, while the revolution in British America was the exclusive result of the march of opinion in the British colonies, the simultaneous action of the separate Spanish colonies, though showing a desire for independence, was principally produced by the accident of the invasion of Spain by France.

The formation of these new sovereignties in America was important to us, not only because of the cessation of colonial monopolies to that extent, but because of the geographical relations to us held by so many new nations, all, like ourselves, created from European stock and interested in excluding European politics, dynastic questions, and balances of power from further influence in the New World.

Thus the United States were forced into new lines of action, which, though apparently in some respects conflicting, were really in harmony with the line marked out by Washington. The avoidance of entangling political alliances and the maintenance of our own independent neutrality became doubly important from the fact that they became applicable to the new Republics as well as to the mother country. The duty of noninterference had been admitted by every President. The question came up in the time of the first Adams, on the occasion of the enlistment projects of Miranda. It appeared again under Jefferson (anterior to the revolt of the Spanish colonies) in the schemes of Aaron Burr. It was an ever-present question in the Administrations of Madison, Monroe, and the younger Adams, in reference to the questions of foreign enlistment or equipment in the United States, and when these new Republics entered the family of nations, many of them very feeble, and all too much subject to internal revolution and civil war, a strict adherence to our previous policy and a strict enforcement of our laws became essential to the preservation of friendly relations with them; for since that time it has been one of the principal cares of those intrusted with the administration of the Government to prevent piratical expeditions against these sister Republics from leaving our ports. And thus the changed condition of the New World made no change in the traditional and peaceful policy of the United States in this respect.

In one respect, however, the advent of these new States in America did compel an apparent change of foreign policy on our part. It devolved upon us the determination of the great international question at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations. There was but little of precedent to guide us, except our own case. Something, indeed, could be inferred from the historical origin of the Netherlands and Switzerland. But our own case, carefully and conscientiously considered, was sufficient to guide us to right conclusions. We maintained our position of international friendship and of treaty obligations toward Spain, but we did not consider that we were bound to wait for its recognition of the new Republics before admitting them into treaty relations with us as sovereign states. We held that it was for us to judge whether or not they had attained to the condition of actual independence, and the consequent right of recognition by us. We considered this question of fact deliberately and coolly. We sent commissioners to Spanish America to ascertain and report for our information concerning their actual circumstances, and in the fullness of time we acknowledged their independence; we exchanged diplomatic ministers, and made treaties of amity with them, the earliest of which, negotiated by Mr. John Quincy Adams, served as the model for the subsequent treaties with the Spanish American Republics. We also, simultaneously therewith, exerted our good offices with Spain to induce her to submit to the inevitable result and herself to accept and acknowledge the independence of her late colonies. We endeavored to induce Russia to join us in these representations. In all this our action was positive, in the direction of promoting the complete political separation of America from Europe.

A vast field was thus opened to the statesmen of the United States for the peaceful

introduction, the spread, and the permanent establishment of the American ideas of republican government, of modification of the laws of war, of liberalization of commerce, of religious freedom and toleration, and of the emancipation of the New World from the dynastic and balance of power controversies of Europe.

Mr. John Quincy Adams, beyond any other statesman of the time in this country, had the knowledge and experience, both European and American, the comprehension of thought and purpose, and the moral convictions which peculiarly fitted him to introduce our country into this new field and to lay the foundation of an American policy. The declaration known as the Monroe doctrine, and the objects and purposes of the congress of Panama, both supposed to have been largely inspired by Mr. Adams, have influenced public events from that day to this as a principle of government for this continent and its adjacent islands.

It was at the period of the congress of Aix-la-Chapelle and of Laybach, when the "Holy Alliance" was combined to arrest all political changes in Europe in the sense of liberty, when they were intervening in southern Europe for the reestablishment of absolutism, and when they were meditating interference to check the progress of free government in America, that Mr. Monroe, in his annual message of December, 1823, declared that the United States would consider any attempt to extend the European system to any portion of this hemisphere as dangerous to our peace and safety. "With the existing colonies or dependencies of any European power," he said, "we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

This declaration resolved the solution of the immediate question of the independence of the Spanish American colonies, and is supposed to have exercised some influence upon the course of the British cabinet in regard to the absolutist schemes in Europe as well as in America.

It has also exercised a permanent influence on this continent. It was at once invoked in consequence of the supposed peril of Cuba on the side of Europe; it was applied to a similar danger threatening Yucatan; it was embodied in the treaty of the United States and Great Britain as to Central America; it produced the successful opposition of the United States to the attempt of Great Britain to exercise dominion in Nicaragua under the cover of the Mosquito Indians; and it operated in like manner to prevent the establishment of a European dynasty in Mexico.

The United States stand solemnly committed by repeated declarations and repeated acts to this doctrine, and its application to the affairs of this continent. In his message to the two Houses of Congress at the commencement of the present session the President, following the teachings of all our history, said that the existing "dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers."

This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European Governments from this continent and the adjacent islands, America shall be wholly American.

It does not contemplate forcible intervention in any legitimate contest, but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this Government, as in the late contest between the South American Republics and Spain, to interpose its good offices to secure an honorable peace.

The congress of Panama was planned by Bolivar to secure the union of Spanish America against Spain. It had originally military as well as political purposes. In the military objects the United States could take no part; and, indeed, the necessity for such objects ceased when the full effects of Mr. Monroe's declarations were felt. But the pacific objects of the congress—the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, and of habits of good understanding between the new Republics and the United States and their respective citizens—might perhaps have been attained had the Administration of that day received the united support of the country. Unhappily, they were lost; the new States were removed from the sympathetic and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands, unfriendly to the United States.

In looking back upon the Panama congress from this length of time it is easy to understand why the earnest and patriotic men who endeavored to crystallize an American system for this continent failed.

Mr. Clay and Mr. Adams were far-sighted statesmen, but, unfortunately, they struck against the rock of African slavery. One of the questions proposed for discussion in the conference was "the consideration of the means to be adopted for the entire abolition of the African slave trade," to which proposition the committee of the United States Senate of that day replied: "The United States have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject; nor do the committee see the expediency of insulting other states with whom we are maintaining relations of perfect amity by ascending the moral chair and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself." The same committee also alluded to the possibility that the condition of the islands of Cuba and Porto Rico, still the possessions of Spain and still slaveholding, might be made the subject of discussion and of contemplated action by the Panama congress. "If ever the United States," they said, "permit themselves to be associated with these nations in any general congress assembled for the discussion of common plans in any way affecting European interests, they will by such act not only deprive themselves of the ability they now possess of rendering useful assistance to the other American States, but also produce other effects prejudicial to their own interests."

Thus the necessity at that day of preserving the great interest of the Southern States in African slavery, and of preventing a change in the character of labor in the islands of Cuba and Porto Rico, lost to the United States the opportunity of giving a permanent direction to the political and commercial connections of the newly enfranchised Spanish American States, and their trade passed into hands unfriendly to the United States, and has remained there ever since.

Events subsequent to that date have tended to place us in a position to retrieve our mistakes, among which events may be particularly named the suppression of the rebellion, the manifestation of our undeveloped and unexpected military power, the retirement of the French from Mexico, and the abolition of slavery in the United States.

There is good reason to believe that the latter fact has had an important influence in our favor in Spanish America. It has caused us to be regarded there with more sympathetic as well as more respectful consideration. It has relieved those Republics from the fear of filibusterism which had been formerly incited against Central America and Mexico in the interest of slave extension, and it has produced an impression of the stability of our institutions and of our public strength sufficient to dissipate the fears of our friends or the hopes of those who wish us ill.

Thus there exists in the Spanish American Republics confidence toward the United States. On our side they find a feeling of cordial amity and friendship, and a desire to cultivate and develop our common interests on this continent. With some of

these States our relations are more intimate than with others, either by reason of closer similarity of constitutional forms, of greater commercial intercourse, of proximity in fact, or of the construction or contemplated construction of lines of transit for our trade and commerce between the Atlantic and the Pacific. With several of them we have peculiar treaty relations. The treaty of 1846 between the United States and New Granada contains stipulations of guaranty for the neutrality of that part of the Isthmus within the present territory of Colombia, and for the protection of the rights of sovereignty and property therein belonging to Colombia. Similar stipulations appear in the treaty of 1867 with Nicaragua, and of July, 1864, with Honduras. Those treaties (like the treaty of alliance made with France in 1778 by Dr. Franklin, Silas Deane, and Arthur Lee) constitute *pro tanto* a true protective alliance between the United States and each of those Republics. Provisions of like effect appear in the treaty of April 19, 1850, between Great Britain and the United States.

Brazil, with her imperial semblance and constitutional reality, has always held relations of amity with us, which have been fortified by the opening of her great rivers to commerce. It needs only that, in emulation of Russia and the United States, she should emancipate her slaves to place her in more complete sympathy with the rest of America.

It will not be presumptuous, after the foregoing sketch, to say, with entire consideration for the sovereignty and national pride of the Spanish American Republics, that the United States, by the priority of their independence, by the stability of their institutions, by the regard of their people for the forms of law, by their resources as a government, by their naval power, by their commercial enterprise, by the attractions which they offer to European immigration, by the prodigious internal development of their resources and wealth, and by the intellectual life of their population, occupy of necessity a prominent position on this continent, which they neither can nor should abdicate, which entitles them to a leading voice, and which imposes upon them duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominion.

The public questions which existed as to all European colonies prior to and during the revolutions in the continental colonies of Spain and Portugal still exist with reference to the European colonies which remain; and they now return upon us in full force, as we watch events in Cuba and Porto Rico.

Whatever may be the result of the pending contest in Cuba, it appears to be the belief of some of the leading statesmen of Spain that the relations which now exist between the island and the mother country can not be long continued. It is understood that the resources for carrying on the struggle have been supplied mainly from Cuba, by the aid of that portion of the population which does not desire to see its political destinies intrusted to the persons who direct the movements of the insurgents; but it does not follow that its political relations with Spain are to remain unchanged, or that even the party which is now dominant in the island will wish to forever continue colonists.

These facts give reason to think that when the contest shall close, Cuba, with her resources strained, but unexhausted (whatever may be her political relations), will resume and continue her old commercial relations with the United States; and it is not impossible that at some day, not far distant when measured by the course of history, she will be called upon to elect her position in the family of nations.

Although the resolution of the Senate does not in terms apply to the islands of the Antilles, it is impossible to answer it without speaking of them. They outlie the southern coast of the United States and guard the approaches to the ports of Mexico, Venezuela, and the Isthmus, by which we reach from the east the western coasts of Mexico and of the Spanish States. The people of the Spanish islands speak the language and share the traditions, customs, ideas, and religion of the Spanish American States of the continent, and will probably, like them, become at some time independent of the mother country. It would, therefore, be unwise, while shaping a commercial policy for the continent, to disregard the islands which lie so much nearer to our seaports.

With the Spanish islands of Cuba and Porto Rico we maintain, in spite of their adverse legislation, a large commerce by reason of our necessities and of their proximity. In the year ending June 30, 1869, we imported from them merchandise valued at $65,609,274. During the same time we sent them goods to the value only of $15,313,919.

The prohibitory duties forced upon them by the policy of Spain shut out much that we might supply. Their tropical productions, for instance, are too valuable to allow their lands to be given up to the growth of breadstuffs; yet, instead of taking these articles from the superabundant fields of their nearest neighbors, they are forced to go to the distant plains of Spain. It will be for the interest of the United States to shape its general policy so that this relation of imports and exports shall be altered in Cuba when peace is restored and its political condition is satisfactorily established.

With none of the other Spanish American States in North and South America are our commercial relations what they should be. Our total imports in the year ending June 30, 1869, from these countries were less than $25,000,000 (or not one-half the amount from Cuba alone), and our exports for the same time to them were only $17,850,313; and yet these countries have an aggregate population nearly or quite as great as that of the United States; they have republican forms of government, and they profess to be, and probably really are, in political sympathy with us.

This Department is not able to give with entire accuracy the imports and exports of Great Britain with the same countries during the corresponding period. It is believed, however, the following figures will be found to be not far from correct: Imports to Great Britain, $42,820,942; exports from Great Britain, $40,682,102.

It thus appears that notwithstanding the greater distance which the commerce has to travel in coming to and from Great Britain, notwithstanding the political sympathy which ought naturally to exist between republics, notwithstanding the American idea which has been so prominently and so constantly put forward by the Government of the United States, notwithstanding the acknowledged skill of American manufacturers, notwithstanding the ready markets which the great cities of the United States afford for the consumption of tropical productions, the inhabitants of the Spanish American continent consume of the products of Great Britain more than twice the quantity they take of the products of the United States, and that they sell to us only three-fifths of the amount they sell to Great Britain.

The Secretary of State appends to this report the tables on which these statements are founded. That their commerce with the United States is not large may be partially explained by the fact that these States have been subject to many successive revolutions since the failure of the congress of Panama. These revolutions not only exhaust their resources and burden them with debt, but they check emigration, prevent the flow of foreign capital into the country, and stop the enterprise which needs a stable government for its development.

These suggestions are, however, applicable to the British commerce as well as to our own, and they do not explain why we, with the natural advantages in our favor, fall so far behind. The Isthmus of Panama is the common point where the commerce of the western coasts of Mexico and South America meets. When it arrives there, why should it seek Liverpool and London rather than New York?

The political causes which have operated to divert this commerce from us the Secretary of State has endeavored to explain. A favorable time has now come for removing them—for laying the foundation of an American policy which shall bind in closer union the American Republics. Let them understand that the United States do not covet their territories; that our only desire is to see them peaceful, with free and stable governments, increasing in wealth and population, and developing in the lines in which their own traditions, customs, habits, laws, and modes of thought will naturally take them. Let them feel that, as in 1826, so now, this Government is ready to aid them to the full extent of its constitutional power in any steps which they may take for their better protection against anarchy. Let them be convinced that the United States is prepared, in good faith and without ulterior purposes, to join them in the development of a peaceful American commercial policy that may in time

include this continent and the West Indian Islands. Let this be comprehended, and there will be no political reason why we may not "secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the States of America justly entitle them."

It may not be enough to remove the political obstacles only. The financial policy which the war made necessary may have operated injuriously upon our commerce with these States. The resolution of the Senate calls, on these points, for detailed information which is not within the control of the Secretary of State, and for recommendations for the future which he is not prepared to give without that information. To fully answer the Senate's call, it would probably be necessary to employ some competent agent, familiar with the Spanish American States, to collate and arrange the information asked for. For this there is no appropriation by Congress.

Respectfully submitted.

HAMILTON FISH.

Commerce of the United States with the countries on this continent and adjacent islands for the year ended June 30, 1869.

[Compiled from the Annual Report on Commerce and Navigation.]

Countries.	Imports.	Exports.	Reexports.	Total exports.	Total commerce.
Dominion of Canada	$30, 353, 010	$18, 188, 613	$2, 858, 782	$21, 047, 395	$51, 400, 405
All other British possessions in North America	1, 737, 304	2, 703, 173	446, 664	3, 149, 837	4, 887, 141
British West Indies	6, 682, 391	9, 142, 344	101, 760	9, 244, 104	15, 926, 495
Total	38, 772, 705	30, 034, 130	3, 407, 206	33, 441, 336	72, 214, 041
Cuba	58, 201, 374	12, 643, 955	7, 064, 787	19, 708, 742	77, 910, 116
Porto Rico	7, 407, 900	2, 669, 964	114, 037	2, 784, 001	10, 191, 901
Total	65, 609, 274	15, 313, 919	7, 178, 824	22, 492, 743	88, 102, 017
French possessions in America	696, 952	1, 174, 056	45, 514	1, 219, 570	1, 916, 522
Danish West Indies	638, 550	1, 500, 000	39, 121	1, 539, 121	2, 177, 671
Dutch West Indies and Guiana	999, 099	926, 051	29, 595	955, 646	1, 954, 745
Hayti and San Domingo	729, 632	1, 349, 438	129, 462	1, 478, 900	2, 208, 532
Sandwich Islands	1, 298, 065	700, 962	86, 665	787, 627	2, 085, 712
Total	4, 362, 318	5, 650, 507	330, 357	5, 980, 864	10, 343, 182
Mexico	7, 232, 006	3, 836, 699	1, 047, 408	4, 884, 107	12, 116, 113
Central American States	733, 296	1, 324, 336	52, 146	1, 376, 482	2, 109, 778
Colombia	5, 291, 706	4, 900, 075	180, 267	5, 080, 342	10, 372, 048
Peru	1, 386, 310	1, 556, 434	116, 911	1, 673, 445	3, 059, 755
Chile	1, 186, 982	1, 969, 580	115, 905	2, 085, 485	3, 272, 467
Argentine Republic	5, 162, 966	2, 235, 089	272, 425	2, 507, 514	7, 670, 480
Uruguay	1, 472, 608	835, 112	58, 270	894, 382	2, 366, 990
Brazil	24, 912, 450	5, 910, 565	158, 514	6, 069, 079	30, 981, 529
Venezuela	2, 431, 760	1, 191, 888	29, 176	1, 221, 064	3, 652, 824
Total	49, 810, 084	23, 760, 878	2, 031, 022	25, 791, 900	75, 601, 984
Grand total	158, 554, 381	74, 759, 434	12, 947, 409	87, 706, 843	246, 261, 224
Total commerce of United States	437, 314, 255	413, 954, 615	25, 173, 414	439, 128, 029	876, 442, 284

Imports and exports of Great Britain with Spanish America and some of the West India Islands for parts of the years 1868 and 1869.

	Year.	Imports.	Exports.
Cuba and Porto Rico	1869	£3, 228, 292	£1, 374, 242
French possessions in America	1868	4, 252	3, 002
Danish West Indies	1868	295, 102	9, 211
Dutch West Indies and Guiana	1868	148, 882	4, 444
Hayti and San Domingo	1868	220, 806	6, 043
Sandwich Islands	1868	33, 336	917
Mexico	1868	350, 664	92, 077
Central American States	1868	939, 827	173, 611
Colombia	1869	971, 396	2, 500, 039
Peru	1869	2, 734, 784	1, 180, 931
Chile	1869	3, 211, 174	1, 596, 905
Argentine Republic	1869	1, 034, 445	1, 841, 953
Uruguay	1869	535, 015	1, 009, 425
Brazil	1869	7, 754, 526	5, 477, 439
Venezuela	1868	69, 997	10, 452

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the King of Sweden and Norway, relative to the citizenship of natives of the one country who may emigrate to the other. A protocol on the subject is also herewith transmitted.

U. S. GRANT.

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a convention between the United States and the Republic of Salvador for the surrender of fugitive criminals, signed at San Salvador on the 23d day of May last.

U. S. GRANT.

WASHINGTON, D. C., *July 15, 1870.*

To the Senate and House of Representatives:

Your attention is respectfully called to the necessity of passing an Indian appropriation bill before the members of Congress separate Without such appropriation Indian hostilities are sure to ensue, and with them suffering, loss of life, and expenditures vast as compared with the amount asked for.

The latest intelligence from Europe indicates the imminence of a war between France and North Germany. In view of this a sound policy indicates the importance of some legislation tending to enlarge the commercial marine of this country. The vessels of this country at the present

time are insufficient to meet the demand which the existence of a war in Europe will impose upon the commerce of the United States, and I submit to the consideration of Congress that the interests of the country will be advanced by the opportunity afforded to our citizens to purchase vessels of foreign construction for the foreign trade of the country. An act to this effect may be limited in its duration to meet the immediate exigency.

The foreign-mail service of the United States is in a large degree dependent upon the Bremen and Hamburg lines of steamers. The Post-Office Department has entered into contracts in writing with the two companies above named, and with the Williams and Guion lines, respectively, for a regular and continuous service of two years. The only arrangement that could be made with the Inman and Cunard lines is temporary, and may be broken off at any time.

The North German lines are first class in point of speed and equipment, their steamers usually making the trip across the Atlantic in from twenty-four to thirty-six hours in advance of the Williams and Guion lines.

Should the North German steamers be blockaded or impeded by France, our postal intercourse with foreign nations will be greatly embarrassed unless Congress shall interpose for its relief.

I suggest to Congress the propriety of further postponing the time for adjournment, with the view of considering the questions herein communicated.

U. S. GRANT.

WASHINGTON, *July 15, 1870.*

To the Senate of the United States:

In answer to their resolution of the 9th instant, I transmit a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION,
Washington, D. C., January 11, 1870.

To the Senate of the United States:

I return herewith without my approval Senate bill No. 273, entitled "An act for the relief of Rollin White," for the reasons set forth in the accompanying communication, dated December 11, 1869, from the Chief of Ordnance.

U. S. GRANT.

*Relating to the importation of Chinese coolies into the United States.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 11, 1869.

Hon. W. W. BELKNAP,
Secretary of War.

SIR: In the year 1855 Rollin White obtained letters patent for improvements in repeating pistols, in (among other things) extending the chambers of the rotating cylinder through to the rear, so as to enable the chambers to be charged at the rear by hand or by a self-acting charger.

Some time afterwards, and prior to the breaking out of the rebellion, he assigned this patent to Smith & Wesson, of Springfield, Mass., for the sum of $500 in cash and their obligation to pay him 25 cents royalty on each pistol manufactured under the patent, binding himself to apply for and to use his influence to procure a renewal of the patent. He afterwards surrendered this original patent and obtained a reissue in three divisions. Two years before the expiration of the latter he applied to the Commissioner of Patents for an extension, upon the ground of insufficiency of compensation. The Commissioner rejected the application for an extension, without assigning any reason, and the patents expired by limitation on the 3d of April, 1869, and the invention became public property.

On the 9th of April, 1869, a bill authorizing the Commissioner of Patents to reconsider the application of Rollin White for extension of his patents was introduced in the Senate and passed without debate. It passed the House without debate on the 10th of April, but failed to receive the signature of the Vice-President before Congress adjourned. It is understood that it has now been signed by that officer, and only awaits the approval of the President to become a law.

Unless the ends of justice require the extension of this patent, it should not be renewed. So far as I have been able to ascertain, justice to the Government and to the public forbids this patent from being renewed.

The validity of the patent has been questioned for many years, and it is understood that it was only affirmed by the Supreme Court by a tie vote, four of the justices voting affirmatively and an equal number negatively.

Its renewal is urged by Rollin White upon the ground that he has not been sufficiently compensated for his invention. Rollin White has received nearly $71,000 as royalty. Smith & Wesson, for the years 1862, 1863, 1864, 1865, 1866, 1867, and 1868, returned incomes amounting in the aggregate to about $1,000,000. This was derived chiefly from the manufacture of firearms under Rollin White's patent, that firm holding the exclusive right to manufacture under it and being engaged almost exclusively in their manufacture.

It is believed that the Government suffered inconvenience and embarrassment enough during the war in consequence of the inability of manufacturers to use this patent, and that its further extension will operate prejudicially to its interest by compelling it to pay to parties already well paid a large royalty for altering its revolvers to use metallic cartridges.

For these reasons I respectfully request that you will call the attention of the President of the United States to this subject before he acts upon the bill which is now before him.

Respectfully, your obedient servant,

A. B. DYER,
Brevet Major-General, Chief of Ordnance.

EXECUTIVE MANSION, *July 14, 1870.*

To the Senate of the United States:

I herewith return without my approval Senate bill No. 476, "An act to fix the status of certain Federal soldiers enlisting in the Union Army

from the States of Alabama and Florida," for the reasons embodied in the following facts, which have been obtained from the office of the Second Comptroller:

The First Regiment of Florida Cavalry, composed of six companies, was organized from December, 1862, to August, 1864, to serve three years. It was mustered out of service November 17, 1865, by reason of general order from the War Department discharging all cavalry organizations east of the Mississippi.

The men of this regiment enlisting prior to July 18, 1864, received $25 advance bounty at muster-in, and the discharged soldiers and heirs of those deceased have been paid the same bounty under act of July 22, 1861, joint resolution of January 13, 1864, an act of July 28, 1866, as men enlisted at the same time in other volunteer organizations.

The Second Regiment of Florida Cavalry, composed of seven companies, was organized from December, 1863, to June, 1864, to serve three years. It was mustered out November 29, 1865, by reason of the order discharging cavalry organizations east of the Mississippi. Most of the men received the $25 advance bounty at muster-in, and the discharged men and heirs of deceased men have received bounty under the several acts of Congress cited above, subject to the same conditions which apply to men who enlisted at the same time in other volunteer organizations.

The First Alabama Cavalry was originally organized as a one-year regiment from December, 1862, to September, 1863, and two companies of three-years men (Companies I and K) were added to complete its organization. These companies were formerly Companies D and E of the First Middle Tennessee Cavalry. Prior to the expiration of the term of the one-year men, the Adjutant-General of the Army, of date May 15, 1863, authorized General Dodge to fill up this command, and in accordance therewith the places of the companies discharged by reason of expiration of term were filled by companies of men enlisted for three years. The original companies, A, B, C, D, E, F, G, H, and L, were organized from December, 1862, to September 25, 1863, and were discharged by companies from December 22, 1863, to September 28, 1864, in order as the term (one year) of each company expired. Companies I and K, mustered in August, 1862, to serve three years, were discharged in July, 1865, by reason of expiration of term of service. As reorganized under the order above mentioned, the regiment consisted of Companies A, B, C, D, E, and G, organized from February 5, 1864, to October, 1864, to serve three years; Companies F, L, and M, organized from December 28, 1863, to October 31, 1864, to serve one and three years; Company H, organized in March and April, 1865, to serve three years, and Companies I and K, of the old organization described above. The men of the First Alabama Cavalry who enlisted for three years have been paid bounty under the several acts of Congress upon the same principles which apply to other three-years volunteers. The one-year men enlisted prior to July 18, 1864, received

no bounty, but $100 bounty has been paid the proper heirs of the one-year men of this organization who died in the service, in accordance with the act of July 22, 1861, under which the regiment was originally organized.

Some of the men of these organizations were erroneously paid by the Pay Department at the time of their muster out of service, they having been paid but $100, when they should have been allowed $300 under the joint resolution of January 13, 1864. The balance of bounty due these men is being paid by the proper accounting officers. It will be seen by comparing the above statement with the act under consideration that the effect of the act will be to give the one-year men of the First Alabama Cavalry, nearly all of whom enlisted in 1862 and 1863, a bounty of $100 each, or a proportionate part, according to the time served. It would give each man of Companies I and K of the First Alabama Cavalry $100 more bounty. The bounty of the other three-years men of the First Alabama Cavalry, First Florida Cavalry, and Second Florida Cavalry, who enlisted prior to December 25, 1863, and from April 1, 1864, to July 17, 1864, inclusive, and who were discharged by reason of orders from the War Department, will not be affected.

The men enlisting in these organizations under joint resolution of January 13, 1864, receive under existing laws $100 more bounty than they would be entitled to receive if the act under consideration becomes a law.

In case of deceased men the working of the act is still more perplexing, as the prescribed order of inheritance under the act of July 4, 1864, is entirely different from that under all other acts.

A large proportion of the claims in case of the deceased men have been settled, and the bounties have been paid fathers, mothers, brothers, and sisters, the proper heirs under existing laws, which under this act would go only to the widow, children, and widowed mother. Bounty has also been paid to parents under act of July 28, 1866, which this act would require to be paid to the widow, although she may have remarried.

Under the act of July 28, 1866, children of age are not entitled, but this act makes them joint heirs with the minor children.

In case of the deceased one-year men, and the three-years men enlisted under joint resolution of January 13, 1864, the effect of this act would only be to change the prescribed order of inheritance.

In case of the three-years men enlisted under act of July 22, 1861, the order of inheritance is changed by this act, and the heirs entitled (widow, children, and widowed mother) will receive $100 more bounty than they are now entitled to receive.

It may be well to state that November 14, 1864, the War Department gave authority to enlist men who had deserted from the rebel army as recruits for the First Alabama Cavalry, with the distinct understanding that they were to receive no bounty. Such recruits have not been paid bounty, and it may be a question whether the act under consideration would entitle them to any.

U. S. GRANT.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, 1864, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation; and

Whereas due inquiry having been made and satisfactory answers having been received that similar provisions are in force in France, Prussia and the other States of the North German Union, and Italy:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this 10th day of February, A. D. 1870, and of the Independence of the United States of America the ninety-fourth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

Ulysses S. Grant, President of the United States of America.

To all whom it may concern:

An exequatur, bearing date the 17th day of June, 1865, having been issued to Joaquin de Palma, recognizing him as vice-consul of Portugal at Savannah, Ga., and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to vice-consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Portugal and the United States; but for satisfactory reasons it is deemed advisable that the said Joaquin de Palma should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said Joaquin de Palma as vice-consul of Portugal at Savannah, Ga., and will not permit him to exercise or enjoy any of the functions, powers, or privileges

allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, this 12th day of May, A. D. 1870, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has come to my knowledge that sundry illegal military enterprises and expeditions are being set on foot within the territory and jurisdiction of the United States with a view to carry on the same from such territory and jurisdiction against the people and district of the Dominion of Canada, within the dominions of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with whom the United States are at peace:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons that by committing such illegal acts they will forfeit all right to the protection of the Government or to its interference in their behalf to rescue them from the consequences of their own acts; and I do hereby enjoin all officers in the service of the United States to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings, and to arrest and bring to justice all persons who may be engaged therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of May, A. D. 1870, and of the Independence of the United States the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas a state of war unhappily exists between France on the one side and the North German Confederation and its allies on the other side; and

Whereas the United States are on terms of friendship and amity with all the contending powers and with the persons inhabiting their several dominions; and

Whereas great numbers of the citizens of the United States reside within the territories or dominions of each of the said belligerents and carry on commerce, trade, or other business or pursuits therein, protected by the faith of treaties; and

Whereas great numbers of the subjects or citizens of each of the said belligerents reside within the territory or jurisdiction of the United States and carry on commerce, trade, or other business or pursuits therein; and

Whereas the laws of the United States, without interfering with the free expression of opinion and sympathy, or with the open manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest:

Now, therefore, I, Ulysses S. Grant, President of the United States, in order to preserve the neutrality of the United States and of their citizens and of persons within their territory and jurisdiction, and to enforce their laws, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf and of the law of nations, may thus be prevented from an unintentional violation of the same, do hereby declare and proclaim that by the act passed on the 20th day of April, A. D. 1818, commonly known as the "neutrality law," the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve either of the said belligerents, by land or by sea, against the other belligerent.

2. Enlisting or entering into the service of either of the said belligerents as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war which at the time of its arrival within the United States was fitted and equipped as such vessel of war, enlist or enter himself, or hire or retain another subject or citizen of the same belligerent who is transiently within the United States to enlist or enter himself, to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which at the time of her arrival within the United States was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents, or belonging to the subjects or citizens of either, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do further declare and proclaim that by the nineteenth article of the treaty of amity and commerce which was concluded between His Majesty the King of Prussia and the United States of America on the 11th day of July, A. D. 1799, which article was revived by the treaty of May 1, A. D. 1828, between the same parties, and is still in force, it was agreed that "the vessels of war, public and private, of both parties shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show."

And I do further declare and proclaim that it has been officially

communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of the North German Confederation at Washington that private property on the high seas will be exempted from seizure by the ships of His Majesty the King of Prussia, without regard to reciprocity.

And I do further declare and proclaim that it has been officially communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of the French at Washington that orders have been given that in the conduct of the war the commanders of the French forces on land and on the seas shall scrupulously observe toward neutral powers the rules of international law and that they shall strictly adhere to the principles set forth in the declaration of the congress of Paris of the 16th of April, 1856; that is to say:

First. That privateering is and remains abolished.

Second. That the neutral flag covers enemy's goods, with the exception of contraband of war.

Third. That neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.

Fourth. That blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy; and that, although the United States have not adhered to the declaration of 1856, the vessels of His Majesty will not seize enemy's property found on board of a vessel of the United States, provided that property is not contraband of war.

And I do further declare and proclaim that the statutes of the United States and the law of nations alike require that no person within the territory and jurisdiction of the United States shall take part, directly or indirectly, in the said war, but shall remain at peace with each of the said belligerents and shall maintain a strict and impartial neutrality, and that whatever privileges shall be accorded to one belligerent within the ports of the United States shall be in like manner accorded to the other.

And I do hereby enjoin all the good citizens of the United States and all persons residing or being within the territory or jurisdiction of the United States to observe the laws thereof and to commit no act contrary to the provisions of the said statutes or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States and all persons residing or being within their territory or jurisdiction that while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of either belligerent can not lawfully be originated or organized within their jurisdiction; and that while all persons may lawfully and without restriction, by reason of the aforesaid state of war, manufacture and sell within the United States arms and munitions of war and other articles ordinarily known

as "contraband of war," yet they can not carry such articles upon the high seas for the use or service of either belligerent, nor can they transport soldiers and officers of either, or attempt to break any blockade which may be lawfully established and maintained during the war, without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this Government who may misconduct themselves in the premises will do so at their peril, and that they can in no wise obtain any protection from the Government of the United States against the consequences of their misconduct.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of August, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas on the 22d day of August, 1870, my proclamation was issued enjoining neutrality in the present war between France and the North German Confederation and its allies, and declaring, so far as then seemed to be necessary, the respective rights and obligations of the belligerent parties and of the citizens of the United States; and

Whereas subsequent information gives reason to apprehend that armed cruisers of the belligerents may be tempted to abuse the hospitality accorded to them in the ports, harbors, roadsteads, and other waters of the United States, by making such waters subservient to the purposes of war:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby proclaim and declare that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of either belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations or as posts of observation upon the ships of war or privateers or merchant vessels of the other belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive and in violation of that neutrality which it is the determination of this Government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the 12th day of October instant, and during

the continuance of the present hostilities between France and the North German Confederation and its allies, no ship of war or privateer of either belligerent shall be permitted to make use of any port, harbor, roadstead, or other waters within the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of either belligerent shall, after the time this notification takes effect, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew or for repairs, in either of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant ship, of the other belligerent shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of the other belligerent which may have previously quit the same port, harbor, roadstead, or waters. No ship of war or privateer of either belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of the other belligerent. But if there be several vessels of each or either of the two belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the respective belligerents and to cause the least detention consistent with the objects of this proclamation. No ship of war or privateer of either belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United

States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without sail power, to the nearest European port of her own country, or, in case the vessel is rigged to go under sail and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive if dependent upon steam alone; and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a European port of the Government to which she belongs.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of October, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas divers evil-disposed persons have at sundry times within the territory or jurisdiction of the United States begun or set on foot, or provided or prepared the means for, military expeditions or enterprises to be carried on thence against the territories or dominions of powers with whom the United States are at peace, by organizing bodies pretending to have powers of government over portions of the territories or dominions of powers with whom the United States are at peace, or, by being or assuming to be members of such bodies, by levying or collecting money for the purpose or for the alleged purpose of using the same in carrying on military enterprises against such territories or dominions by enlisting and organizing armed forces to be used against such powers, and by fitting out, equipping, and arming vessels to transport such organized armed forces to be employed in hostilities against such powers; and

Whereas it is alleged and there is reason to apprehend that such evil-disposed persons have also at sundry times within the territory and jurisdiction of the United States violated the laws thereof by accepting and exercising commissions to serve by land or by sea against powers with whom the United States are at peace by enlisting themselves or other persons to carry on war against such powers by fitting out and arming

vessels with intent that the same shall be employed to cruise or commit hostilities against such powers, or by delivering commissions within the territory or jurisdiction of the United States for such vessels to the intent that they might be employed as aforesaid; and

Whereas such acts are in violation of the laws of the United States in such case made and provided, and are done in disregard of the duties and obligations which all persons residing or being within the territory or jurisdiction of the United States owe thereto, and are condemned by all right-minded and law-abiding citizens:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby declare and proclaim that all persons hereafter found within the territory or jurisdiction of the United States committing any of the aforerecited violations of law or any similar violations of the sovereignty of the United States for which punishment is provided by law will be rigorously prosecuted therefor, and, upon conviction and sentence to punishment, will not be entitled to expect or receive the clemency of the Executive to save them from the consequences of their guilt; and I enjoin upon every officer of this Government, civil or military or naval, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it behooves a people sensible of their dependence on the Almighty publicly and collectively to acknowledge their gratitude for his favors and mercies and humbly to beseech for their continuance; and

Whereas the people of the United States during the year now about to end have special cause to be thankful for general prosperity, abundant harvests, exemption from pestilence, foreign war, and civil strife:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, concurring in any similar recommendations from chief magistrates of States, do hereby recommend to all citizens to meet in their respective places of worship on Thursday, the 24th day of November next, there to give thanks for the bounty of God during the year about to close and to supplicate for its continuance hereafter.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of October, A. D. 1870, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, No. 83.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 24, 1869.

Brevet Major-General A. H. Terry, in addition to his duties as commander of the Department of the South, is, by order of the President of the United States, appointed to exercise the duties of commanding general of the District of Georgia, as defined by the act of Congress approved December 22, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., December 24, 1869.

The painful duty devolves upon the President of announcing to the people of the United States the death of one of her most distinguished citizens and faithful public servants, the Hon. Edwin M. Stanton, which occurred in this city at an early hour this morning.

He was distinguished in the councils of the nation during the entire period of its recent struggle for national existence—first as Attorney-General, then as Secretary of War. He was unceasing in his labors, earnest and fearless in the assumption of responsibilities necessary to his country's success, respected by all good men, and feared by wrongdoers. In his death the bar, the bench, and the nation sustain a great loss, which will be mourned by all.

As a mark of respect to his memory it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning, and that all business be suspended on the day of the funeral.

U. S. GRANT.

GENERAL ORDERS, NO. 1.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1870.

By direction of the President of the United States, so much of General Orders, No. 103, dated Headquarters Third Military District (Department of Georgia, Florida, and Alabama), Atlanta, Ga., July 22, 1868, and so much of General Orders, No. 55, dated Headquarters of the Army, Adjutant-General's Office, Washington, July 28, 1868, as refers to the State of Georgia is hereby countermanded. Brevet Major-General Terry will until further orders exercise within that State the powers of the commander of a military district, as provided by the act of March 2, 1867, and the acts supplementary thereto, under his assignment by General Orders, No. 83, dated Headquarters of the Army, Adjutant-General's Office Washington, December 24, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General

GENERAL ORDERS, NO. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 29, 1870.

I. The Senators and Representatives from the State of Virginia having been admitted to their respective Houses of Congress, the command known as the First Military District has ceased to exist.

II. By direction of the President, the States of Maryland, Virginia, West Virginia, and North Carolina will compose the Department of Virginia, under the command of Brevet Major-General E. R. S. Canby, headquarters at Richmond, Va., and will form a part of the Military Division of the Atlantic.

III. Commanding officers of all posts and detachments now serving in the limits of the new department will report to General Canby for instructions. The companies of the Eighth Infantry now serving in the State of North Carolina will be relieved as early as possible, and report to Brevet Major-General A. H. Terry, commanding Department of the South, for orders.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General

GENERAL ORDERS, No. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 26, 1870.

I. The Senators and Representatives from the State of Mississippi having been admitted to their respective Houses of Congress, the command known as the Fourth Military District has ceased to exist.

II. By direction of the President, the State of Mississippi is attached to the Department of the Cumberland, and the officers and troops within the late Fourth Military District will accordingly report to Brevet Major-General Cooke, commanding the department.

III. The general commanding the late Fourth Military District will complete the records of that district as soon as practicable and send them to the Adjutant-General of the Army, except such military records as should properly be retained at the headquarters of the department, which he will send there.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

GENERAL ORDERS, No. 35.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1870.

I. By order of the President of the United States, the State of Texas having been admitted to representation in Congress, the command heretofore known as the Fifth Military District will cease to exist, and will hereafter constitute a separate military department, headquarters Austin, Tex., Brevet Major-General J. J. Reynolds commanding.

II. The department known as the Department of Louisiana will be broken up; the State of Louisiana is hereby added to the Department of Texas, and the State of Arkansas to the Department of the Missouri. The commanding general Department of the Missouri will, as soon as convenient, relieve the garrison at Little Rock by a detachment from the Sixth Infantry, and the commanding officer of the troops now in Arkansas will report to General J. J. Reynolds for orders, to take effect as soon as replaced.

III. The new Department of Texas will form a part of the Military Division of the South.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 5, 1870.*

To the Senate and House of Representatives:

A year of peace and general prosperity to this nation has passed since the last assembling of Congress. We have, through a kind Providence, been blessed with abundant crops, and have been spared from complications and war with foreign nations. In our midst comparative harmony has been restored. It is to be regretted, however, that a free exercise of the elective franchise has by violence and intimidation been denied to citizens in exceptional cases in several of the States lately in rebellion, and the verdict of the people has thereby been reversed. The States of Virginia, Mississippi, and Texas have been restored to representation in our national councils. Georgia, the only State now without representation, may confidently be expected to take her place there also at the beginning of the new year, and then, let us hope, will be completed the work of reconstruction. With an acquiescence on the part of the whole people in the national obligation to pay the public debt created as the price of our Union, the pensions to our disabled soldiers and sailors and their widows and orphans, and in the changes to the Constitution which have been made necessary by a great rebellion, there is no reason why we should not advance in material prosperity and happiness as no other nation ever did after so protracted and devastating a war.

Soon after the existing war broke out in Europe the protection of the United States minister in Paris was invoked in favor of North Germans domiciled in French territory. Instructions were issued to grant the protection. This has been followed by an extension of American protection to citizens of Saxony, Hesse and Saxe-Coburg, Gotha, Colombia, Portugal, Uruguay, the Dominican Republic, Ecuador, Chile, Paraguay, and Venezuela in Paris. The charge was an onerous one, requiring constant and severe labor, as well as the exercise of patience, prudence, and good judgment. It has been performed to the entire satisfaction of this Government, and, as I am officially informed, equally so to the satisfaction of the Government of North Germany.

As soon as I learned that a republic had been proclaimed at Paris and that the people of France had acquiesced in the change, the minister of the United States was directed by telegraph to recognize it and to tender my congratulations and those of the people of the United States. The reestablishment in France of a system of government disconnected with the dynastic traditions of Europe appeared to be a proper subject for the felicitations of Americans. Should the present struggle result in attaching the hearts of the French to our simpler forms of representative government, it will be a subject of still further satisfaction to our people.

While we make no effort to impose our institutions upon the inhabitants of other countries, and while we adhere to our traditional neutrality in civil contests elsewhere, we can not be indifferent to the spread of American political ideas in a great and highly civilized country like France.

We were asked by the new Government to use our good offices, jointly with those of European powers, in the interests of peace. Answer was made that the established policy and the true interests of the United States forbade them to interfere in European questions jointly with European powers. I ascertained, informally and unofficially, that the Government of North Germany was not then disposed to listen to such representations from any power, and though earnestly wishing to see the blessings of peace restored to the belligerents, with all of whom the United States are on terms of friendship, I declined on the part of this Government to take a step which could only result in injury to our true interests without advancing the object for which our intervention was invoked. Should the time come when the action of the United States can hasten the return of peace by a single hour, that action will be heartily taken. I deemed it prudent, in view of the number of persons of German and French birth living in the United States, to issue, soon after official notice of a state of war had been received from both belligerents, a proclamation* defining the duties of the United States as a neutral and the obligations of persons residing within their territory to observe their laws and the laws of nations. This proclamation was followed by others,† as circumstances seemed to call for them. The people, thus acquainted in advance of their duties and obligations, have assisted in preventing violations of the neutrality of the United States.

It is not understood that the condition of the insurrection in Cuba has materially changed since the close of the last session of Congress. In an early stage of the contest the authorities of Spain inaugurated a system of arbitrary arrests, of close confinement, and of military trial and execution of persons suspected of complicity with the insurgents, and of summary embargo of their properties, and sequestration of their revenues by executive warrant. Such proceedings, so far as they affected the persons or property of citizens of the United States, were in violation of the provisions of the treaty of 1795 between the United States and Spain.

Representations of injuries resulting to several persons claiming to be citizens of the United States by reason of such violations were made to the Spanish Government. From April, 1869, to June last the Spanish minister at Washington had been clothed with a limited power to aid in redressing such wrongs. That power was found to be withdrawn, "in view," as it was said, "of the favorable situation in which the island of Cuba" then "was," which, however, did not lead to a revocation or suspension of the extraordinary and arbitrary functions exercised by the executive power in Cuba, and we were obliged to make our complaints

* See pp. 4040-4043. † See pp. 4043-4046.

at Madrid. In the negotiations thus opened, and still pending there, the United States only claimed that for the future the rights secured to their citizens by treaty should be respected in Cuba, and that as to the past a joint tribunal should be established in the United States with full jurisdiction over all such claims. Before such an impartial tribunal each claimant would be required to prove his case. On the other hand, Spain would be at liberty to traverse every material fact, and thus complete equity would be done. A case which at one time threatened seriously to affect the relations between the United States and Spain has already been disposed of in this way. The claim of the owners of the *Colonel Lloyd Aspinwall* for the illegal seizure and detention of that vessel was referred to arbitration by mutual consent, and has resulted in an award to the United States, for the owners, of the sum of $19,702.50 in gold. Another and long-pending claim of like nature, that of the whaleship *Canada*, has been disposed of by friendly arbitrament during the present year. It was referred, by the joint consent of Brazil and the United States, to the decision of Sir Edward Thornton, Her Britannic Majesty's minister at Washington, who kindly undertook the laborious task of examining the voluminous mass of correspondence and testimony submitted by the two Governments, and awarded to the United States the sum of $100,740.09 in gold, which has since been paid by the Imperial Government. These recent examples show that the mode which the United States have proposed to Spain for adjusting the pending claims is just and feasible, and that it may be agreed to by either nation without dishonor. It is to be hoped that this moderate demand may be acceded to by Spain without further delay. Should the pending negotiations, unfortunately and unexpectedly, be without result, it will then become my duty to communicate that fact to Congress and invite its action on the subject.

The long-deferred peace conference between Spain and the allied South American Republics has been inaugurated in Washington under the auspices of the United States. Pursuant to the recommendation contained in the resolution of the House of Representatives of the 17th of December, 1866, the executive department of the Government offered its friendly offices for the promotion of peace and harmony between Spain and the allied Republics. Hesitations and obstacles occurred to the acceptance of the offer. Ultimately, however, a conference was arranged, and was opened in this city on the 29th of October last, at which I authorized the Secretary of State to preside. It was attended by the ministers of Spain, Peru, Chile, and Ecuador. In consequence of the absence of a representative from Bolivia, the conference was adjourned until the attendance of a plenipotentiary from that Republic could be secured or other measures could be adopted toward compassing its objects.

The allied and other Republics of Spanish origin on this continent

may see in this fact a new proof of our sincere interest in their welfare, of our desire to see them blessed with good governments, capable of maintaining order and of preserving their respective territorial integrity, and of our sincere wish to extend our own commercial and social relations with them. The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish American States more closely to our own, and thus give the United States all the preeminence and all the advantage which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated when they proposed to join in the congress of Panama.

During the last session of Congress a treaty for the annexation of the Republic of San Domingo to the United States failed to receive the requisite two-thirds vote of the Senate. I was thoroughly convinced then that the best interests of this country, commercially and materially, demanded its ratification. Time has only confirmed me in this view. I now firmly believe that the moment it is known that the United States have entirely abandoned the project of accepting as a part of its territory the island of San Domingo a free port will be negotiated for by European nations in the Bay of Samana. A large commercial city will spring up, to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize. The Government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than 120,000 souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of 10,000,000 people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support. They yearn for the protection of our free institutions and laws, our progress and civilization. Shall we refuse them?

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forests, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast. At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must

as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now upon the island. This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation, to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that contiguous islands should have the same advantages in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products. The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east by way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once, and ultimately so in Brazil; it is to settle the unhappy condition of Cuba and end an exterminating conflict; it is to provide honest means of paying our honest debts without overtaxing the people; it is to furnish our citizens with the necessaries of everyday life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

In view of the importance of this question, I earnestly urge upon Congress early action expressive of its views as to the best means of acquiring San Domingo. My suggestion is that by joint resolution of the two Houses of Congress the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such a commission. The question may then be determined, either by the action of the Senate upon the treaty or the joint action of

the two Houses of Congress upon a resolution of annexation, as in the case of the acquisition of Texas. So convinced am I of the advantages to flow from the acquisition of San Domingo, and of the great disadvantages—I might almost say calamities—to flow from nonacquisition, that I believe the subject has only to be investigated to be approved.

It is to be regretted that our representations in regard to the injurious effects, especially upon the revenue of the United States, of the policy of the Mexican Government in exempting from impost duties a large tract of its territory on our borders have not only been fruitless, but that it is even proposed in that country to extend the limits within which the privilege adverted to has hitherto been enjoyed. The expediency of taking into your serious consideration proper measures for countervailing the policy referred to will, it is presumed, engage your earnest attention.

It is the obvious interest, especially of neighboring nations, to provide against impunity to those who may have committed high crimes within their borders and who may have sought refuge abroad. For this purpose extradition treaties have been concluded with several of the Central American Republics, and others are in progress.

The sense of Congress is desired, as early as may be convenient, upon the proceedings of the commission on claims against Venezuela, as communicated in my messages of March 16, 1869, March 1, 1870, and March 31, 1870. It has not been deemed advisable to distribute any of the money which has been received from that Government until Congress shall have acted on the subject.

The massacres of French and Russian residents at Tien-Tsin, under circumstances of great barbarity, was supposed by some to have been premeditated, and to indicate a purpose among the populace to exterminate foreigners in the Chinese Empire. The evidence fails to establish such a supposition, but shows a complicity between the local authorities and the mob. The Government at Peking, however, seems to have been disposed to fulfill its treaty obligations so far as it was able to do so. Unfortunately, the news of the war between the German States and France reached China soon after the massacre. It would appear that the popular mind became possessed with the idea that this contest, extending to Chinese waters, would neutralize the Christian influence and power, and that the time was coming when the superstitious masses might expel all foreigners and restore mandarin influence. Anticipating trouble from this cause, I invited France and North Germany to make an authorized suspension of hostilities in the East (where they were temporarily suspended by act of the commanders), and to act together for the future protection in China of the lives and properties of Americans and Europeans.

Since the adjournment of Congress the ratifications of the treaty with Great Britain for abolishing the mixed courts for the suppression of the slave trade have been exchanged. It is believed that the slave trade is

now confined to the eastern coast of Africa, whence the slaves are taken to Arabian markets.

The ratifications of the naturalization convention between Great Britain and the United States have also been exchanged during the recess, and thus a long-standing dispute between the two Governments has been settled in accordance with the principles always contended for by the United States.

In April last, while engaged in locating a military reservation near Pembina, a corps of engineers discovered that the commonly received boundary line between the United States and the British possessions at that place is about 4,700 feet south of the true position of the forty-ninth parallel, and that the line, when run on what is now supposed to be the true position of that parallel, would leave the fort of the Hudsons Bay Company at Pembina within the territory of the United States. This information being communicated to the British Government, I was requested to consent, and did consent, that the British occupation of the fort of the Hudsons Bay Company should continue for the present. I deem it important, however, that this part of the boundary line should be definitely fixed by a joint commission of the two Governments, and I submit herewith estimates of the expense of such a commission on the part of the United States and recommend that an appropriation be made for that purpose. The land boundary has already been fixed and marked from the summit of the Rocky Mountains to the Georgian Bay. It should now be in like manner marked from the Lake of the Woods to the summit of the Rocky Mountains.

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain growing out of the course adopted by that Government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's Government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amount and the ownership of these several claims, on notice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain. It can not be necessary to add that whenever Her Majesty's Government shall entertain a desire for a full and friendly adjustment of these claims the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

The course pursued by the Canadian authorities toward the fishermen of the United States during the past season has not been marked by a

A SESSION OF THE *ALABAMA* CLAIMS ARBITRATORS

SETTLEMENT OF ALABAMA CLAIMS

The modern world, up to 1872, had not beheld any example of the settlement of international disputes by peaceful process of law. When the irritating nature of the controversy and the popular readiness for war in both countries are considered, the glory of the achievement is increased. The maintenance of peace between the United States and Great Britain and the exclusion of all but friendly rivalry between them is of vast importance to our race and to all the world. One of the most valuable results, therefore, of the Geneva Arbitration was the code of rules there devised to govern Anglo-American relations.

The two men most closely associated with the event are President Grant and Hamilton Fish, his Secretary of State. Their narrative of the negotiations will be found by consulting the heading "Alabama Claims," in the Encyclopedic Index, where are cited the pages on which discussions of the matter occur. The article on the Alabama Claims which precedes the page citations, presents a brief summary of the case.

friendly feeling. By the first article of the convention of 1818 between Great Britain and the United States it was agreed that the inhabitants of the United States should have forever, in common with British subjects, the right of taking fish in certain waters therein defined. In the waters not included in the limits named in the convention (within 3 miles of parts of the British coast) it has been the custom for many years to give to intruding fishermen of the United States a reasonable warning of their violation of the technical rights of Great Britain. The Imperial Government is understood to have delegated the whole or a share of its jurisdiction or control of these inshore fishing grounds to the colonial authority known as the Dominion of Canada, and this semi-independent but irresponsible agent has exercised its delegated powers in an unfriendly way. Vessels have been seized without notice or warning, in violation of the custom previously prevailing, and have been taken into the colonial ports, their voyages broken up, and the vessels condemned. There is reason to believe that this unfriendly and vexatious treatment was designed to bear harshly upon the hardy fishermen of the United States, with a view to political effect upon this Government. The statutes of the Dominion of Canada assume a still broader and more untenable jurisdiction over the vessels of the United States. They authorize officers or persons to bring vessels hovering within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada into port, to search the cargo, to examine the master on oath touching the cargo and voyage, and to inflict upon him a heavy pecuniary penalty if true answers are not given; and if such a vessel is found "preparing to fish" within 3 marine miles of any of such coasts, bays, creeks, or harbors without a license, or after the expiration of the period named in the last license granted to it, they provide that the vessel, with her tackle, etc., shall be forfeited. It is not known that any condemnations have been made under this statute. Should the authorities of Canada attempt to enforce it, it will become my duty to take such steps as may be necessary to protect the rights of the citizens of the United States.

It has been claimed by Her Majesty's officers that the fishing vessels of the United States have no right to enter the open ports of the British possessions in North America, except for the purposes of shelter and repairing damages, of purchasing wood and obtaining water; that they have no right to enter at the British custom-houses or to trade there except in the purchase of wood and water, and that they must depart within twenty-four hours after notice to leave. It is not known that any seizure of a fishing vessel carrying the flag of the United States has been made under this claim. So far as the claim is founded on an alleged construction of the convention of 1818, it can not be acquiesced in by the United States. It is hoped that it will not be insisted on by Her Majesty's Government.

During the conferences which preceded the negotiation of the convention of 1818 the British commissioners proposed to expressly exclude the

fishermen of the United States from "the privilege of carrying on trade with any of His Britannic Majesty's subjects residing within the limits assigned for their use;" and also that it should not be "lawful for the vessels of the United States engaged in said fishery to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of their voyages to and from the said fishing grounds: and any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated, with her cargo."

This proposition, which is identical with the construction now put upon the language of the convention, was emphatically rejected by the American commissioners, and thereupon was abandoned by the British plenipotentiaries, and Article I, as it stands in the convention, was substituted.

If, however, it be said that this claim is founded on provincial or colonial statutes, and not upon the convention, this Government can not but regard them as unfriendly, and in contravention of the spirit, if not of the letter, of the treaty, for the faithful execution of which the Imperial Government is alone responsible.

Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada, and, further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

A like unfriendly disposition has been manifested on the part of Canada in the maintenance of a claim of right to exclude the citizens of the United States from the navigation of the St. Lawrence. This river constitutes a natural outlet to the ocean for eight States, with an aggregate population of about 17,600,000 inhabitants, and with an aggregate tonnage of 661,367 tons upon the waters which discharge into it. The foreign commerce of our ports on these waters is open to British competition, and the major part of it is done in British bottoms.

If the American seamen be excluded from this natural avenue to the ocean, the monopoly of the direct commerce of the lake ports with the Atlantic would be in foreign hands, their vessels on transatlantic voyages having an access to our lake ports which would be denied to American vessels on similar voyages. To state such a proposition is to refute its justice.

During the Administration of Mr. John Quincy Adams Mr. Clay unanswerably demonstrated the natural right of the citizens of the United States to the navigation of this river, claiming that the act of the congress of Vienna in opening the Rhine and other rivers to all nations showed the judgment of European jurists and statesmen that the inhab-

itants of a country through which a navigable river passes have a natural right to enjoy the navigation of that river to and into the sea, even though passing through the territories of another power. This right does not exclude the coequal right of the sovereign possessing the territory through which the river debouches into the sea to make such regulations relative to the police of the navigation as may be reasonably necessary; but those regulations should be framed in a liberal spirit of comity, and should not impose needless burdens upon the commerce which has the right of transit. It has been found in practice more advantageous to arrange these regulations by mutual agreement. The United States are ready to make any reasonable arrangement as to the police of the St. Lawrence which may be suggested by Great Britain.

If the claim made by Mr. Clay was just when the population of States bordering on the shores of the Lakes was only 3,400,000, it now derives greater force and equity from the increased population, wealth, production, and tonnage of the States on the Canadian frontier. Since Mr. Clay advanced his argument in behalf of our right the principle for which he contended has been frequently, and by various nations, recognized by law or by treaty, and has been extended to several other great rivers. By the treaty concluded at Mayence in 1831 the Rhine was declared free from the point where it is first navigable into the sea. By the convention between Spain and Portugal concluded in 1835 the navigation of the Douro throughout its whole extent was made free for the subjects of both Crowns. In 1853 the Argentine Confederation by treaty threw open the free navigation of the Parana and the Uruguay to the merchant vessels of all nations. In 1856 the Crimean War was closed by a treaty which provided for the free navigation of the Danube. In 1858 Bolivia by treaty declared that it regarded the rivers Amazon and La Plata, in accordance with fixed principles of national law, as highways or channels opened by nature for the commerce of all nations. In 1859 the Paraguay was made free by treaty, and in December, 1866, the Emperor of Brazil by imperial decree declared the Amazon to be open to the frontier of Brazil to the merchant ships of all nations. The greatest living British authority on this subject, while asserting the abstract right of the British claim, says:

> It seems difficult to deny that Great Britain may ground her refusal upon strict *law*, but it is equally difficult to deny, first, that in so doing she exercises harshly an extreme and hard law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small domain in which the Mississippi took its rise, she insisted on the right to navigate the entire volume of its waters. On the ground that she possesses both banks of the St. Lawrence, where it disembogues itself into the sea, she denies to the United States the right of navigation, though about one-half of the waters of Lakes Ontario, Erie, Huron, and Superior, and the whole of Lake Michigan, through which the river flows, are the property of the United States.

The whole nation is interested in securing cheap transportation from the agricultural States of the West to the Atlantic Seaboard. To the citizens of those States it secures a greater return for their labor; to the inhabitants of the seaboard it affords cheaper food; to the nation, an increase in the annual surplus of wealth. It is hoped that the Government of Great Britain will see the justice of abandoning the narrow and inconsistent claim to which her Canadian Provinces have urged her adherence.

Our depressed commerce is a subject to which I called your special attention at the last session, and suggested that we will in the future have to look more to the countries south of us, and to China and Japan, for its revival. Our representatives to all these Governments have exerted their influence to encourage trade between the United States and the countries to which they are accredited. But the fact exists that the carrying is done almost entirely in foreign bottoms, and while this state of affairs exists we can not control our due share of the commerce of the world; that between the Pacific States and China and Japan is about all the carrying trade now conducted in American vessels. I would recommend a liberal policy toward that line of American steamers—one that will insure its success, and even increased usefulness.

The cost of building iron vessels, the only ones that can compete with foreign ships in the carrying trade, is so much greater in the United States than in foreign countries that without some assistance from the Government they can not be successfully built here. There will be several propositions laid before Congress in the course of the present session looking to a remedy for this evil. Even if it should be at some cost to the National Treasury, I hope such encouragement will be given as will secure American shipping on the high seas and American shipbuilding at home.

The condition of the archives at the Department of State calls for the early action of Congress. The building now rented by that Department is a frail structure, at an inconvenient distance from the Executive Mansion and from the other Departments, is ill adapted to the purpose for which it is used, has not capacity to accommodate the archives, and is not fireproof. Its remote situation, its slender construction, and the absence of a supply of water in the neighborhood leave but little hope of safety for either the building or its contents in case of the accident of a fire. Its destruction would involve the loss of the rolls containing the original acts and resolutions of Congress, of the historic records of the Revolution and of the Confederation, of the whole series of diplomatic and consular archives since the adoption of the Constitution, and of the many other valuable records and papers left with that Department when it was the principal depository of the governmental archives. I recommend an appropriation for the construction of a building for the Department of State.

I recommend to your consideration the propriety of transferring to the Department of the Interior, to which they seem more appropriately

to belong, all powers and duties in relation to the Territories with which the Department of State is now charged by law or usage; and from the Interior Department to the War Department the Pension Bureau, so far as it regulates the payment of soldiers' pensions. I would further recommend that the payment of naval pensions be transferred to one of the bureaus of the Navy Department.

The estimates for the expenses of the Government for the next fiscal year are $18,244,346.01 less than for the current one, but exceed the appropriations for the present year for the same items $8,972,127.56. In this estimate, however, is included $22,338,278.37 for public works heretofore begun under Congressional provision, and of which only so much is asked as Congress may choose to give. The appropriation for the same works for the present fiscal year was $11,984,518.08.

The average value of gold, as compared with national currency, for the whole of the year 1869 was about 134, and for eleven months of 1870 the same relative value has been about 115. The approach to a specie basis is very gratifying, but the fact can not be denied that the instability of the value of our currency is prejudicial to our prosperity, and tends to keep up prices, to the detriment of trade. The evils of a depreciated and fluctuating currency are so great that now, when the premium on gold has fallen so much, it would seem that the time has arrived when by wise and prudent legislation Congress should look to a policy which would place our currency at par with gold at no distant day.

The tax collected from the people has been reduced more than $80,000,000 per annum. By steadiness in our present course there is no reason why in a few short years the national taxgatherer may not disappear from the door of the citizen almost entirely. With the revenue stamp dispensed by postmasters in every community, a tax upon liquors of all sorts and tobacco in all its forms, and by a wise adjustment of the tariff, which will put a duty only upon those articles which we could dispense with, known as luxuries, and on those which we use more of than we produce, revenue enough may be raised after a few years of peace and consequent reduction of indebtedness to fulfill all our obligations. A further reduction of expenses, in addition to a reduction of interest account, may be relied on to make this practicable. Revenue reform, if it means this, has my hearty support. If it implies a collection of all the revenue for the support of the Government, for the payment of principal and interest of the public debt, pensions, etc., by directly taxing the people, then I am against revenue reform, and confidently believe the people are with me. If it means failure to provide the necessary means to defray all the expenses of Government, and thereby repudiation of the public debt and pensions, then I am still more opposed to such kind of revenue reform. Revenue reform has not been defined by any of its advocates to my knowledge, but seems to be accepted as something which is to supply every man's wants without any cost or effort on his part.

A true revenue reform can not be made in a day, but must be the work of national legislation and of time. As soon as the revenue can be dispensed with, all duty should be removed from coffee, tea and other articles of universal use not produced by ourselves. The necessities of the country compel us to collect revenue from our imports. An army of assessors and collectors is not a pleasant sight to the citizen, but that of a tariff for revenue is necessary. Such a tariff, so far as it acts as an encouragement to home production, affords employment to labor at living wages, in contrast to the pauper labor of the Old World, and also in the development of home resources.

Under the act of Congress of the 15th day of July, 1870, the Army has gradually been reduced, so that on the 1st day of January, 1871, the number of commissioned officers and men will not exceed the number contemplated by that law.

The War Department building is an old structure, not fireproof, and entirely inadequate in dimensions to our present wants. Many thousands of dollars are now paid annually for rent of private buildings to accommodate the various bureaus of the Department. I recommend an appropriation for a new War Department building, suited to the present and growing wants of the nation.

The report of the Secretary of War shows a very satisfactory reduction in the expenses of the Army for the last fiscal year. For details you are referred to his accompanying report.

The expenses of the Navy for the whole of the last year—*i. e.*, from December 1, 1869, the date of the last report—are less than $19,000,000, or about $1,000,000 less than they were the previous year. The expenses since the commencement of this fiscal year—*i. e.*, since July 1—show for the five months a decrease of over $2,400,000 from those of the corresponding months last year. The estimates for the current year were $28,205,671.37. Those for next year are $20,683,317, with $955,100 additional for necessary permanent improvements. These estimates are made closely for the mere maintenance of the naval establishment as it now is, without much in the nature of permanent improvement. The appropriations made for the last and current years were evidently intended by Congress, and are sufficient only, to keep the Navy on its present footing by the repairing and refitting of our old ships.

This policy must, of course, gradually but surely destroy the Navy, and it is in itself far from economical, as each year that it is pursued the necessity for mere repairs in ships and navy-yards becomes more imperative and more costly, and our current expenses are annually increased for the mere repair of ships, many of which must soon become unsafe and useless. I hope during the present session of Congress to be able to submit to it a plan by which naval vessels can be built and repairs made with great saving upon the present cost.

It can hardly be wise statesmanship in a Government which represents

a country with over 5,000 miles of coast line on both oceans, exclusive of Alaska, and containing 40,000,000 progressive people, with relations of every nature with almost every foreign country, to rest with such inadequate means of enforcing any foreign policy, either of protection or redress. Separated by the ocean from the nations of the Eastern Continent, our Navy is our only means of direct protection to our citizens abroad or for the enforcement of any foreign policy.

The accompanying report of the Postmaster-General shows a most satisfactory working of that Department. With the adoption of the recommendations contained therein, particularly those relating to a reform in the franking privilege and the adoption of the "correspondence cards," a self-sustaining postal system may speedily be looked for, and at no distant day a further reduction of the rate of postage be attained.

I recommend authorization by Congress to the Postmaster-General and Attorney-General to issue all commissions to officials appointed through their respective Departments. At present these commissions, where appointments are Presidential, are issued by the State Department. The law in all the Departments of Government, except those of the Post-Office and of Justice, authorizes each to issue its own commissions.

Always favoring practical reforms, I respectfully call your attention to one abuse of long standing which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employees who do not require "the advice and consent of the Senate" to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of Departments as that of appointments, nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Reform in the management of Indian affairs has received the special attention of the Administration from its inauguration to the present day. The experiment of making it a missionary work was tried with a few agencies given to the denomination of Friends, and has been found to work most advantageously. All agencies and superintendencies not so disposed of were given to officers of the Army. The act of Congress reducing the Army renders army officers ineligible for civil positions. Indian agencies being civil offices, I determined to give all the agencies to such religious denominations as had heretofore established missionaries among the Indians, and perhaps to some other denominations who would undertake the work on the same terms—*i. e.*, as a missionary work. The societies selected are allowed to name their own agents, subject to the

approval of the Executive, and are expected to watch over them and aid them as missionaries, to Christianize and civilize the Indian, and to train him in the arts of peace. The Government watches over the official acts of these agents, and requires of them as strict an accountability as if they were appointed in any other manner. I entertain the confident hope that the policy now pursued will in a few years bring all the Indians upon reservations, where they will live in houses, and have schoolhouses and churches, and will be pursuing peaceful and self-sustaining avocations, and where they may be visited by the law-abiding white man with the same impunity that he now visits the civilized white settlements. I call your special attention to the report of the Commissioner of Indian Affairs for full information on this subject.

During the last fiscal year 8,095,413 acres of public land were disposed of. Of this quantity 3,698,910.05 acres were taken under the homestead law and 2,159,515.81 acres sold for cash. The remainder was located with military warrants, college or Indian scrip, or applied in satisfaction of grants to railroads or for other public uses. The entries under the homestead law during the last year covered 961,545 acres more than those during the preceding year. Surveys have been vigorously prosecuted to the full extent of the means applicable to the purpose. The quantity of land in market will amply supply the present demand. The claim of the settler under the homestead or the preemption laws is not, however, limited to lands subject to sale at private entry. Any unappropriated surveyed public land may, to a limited amount, be acquired under the former laws if the party entitled to enter under them will comply with the requirements they prescribe in regard to the residence and cultivation. The actual settler's preference right of purchase is even broader, and extends to lands which were unsurveyed at the time of his settlement. His right was formerly confined within much narrower limits, and at one period of our history was conferred only by special statutes. They were enacted from time to time to legalize what was then regarded as an unauthorized intrusion upon the national domain. The opinion that the public lands should be regarded chiefly as a source of revenue is no longer maintained. The rapid settlement and successful cultivation of them are now justly considered of more importance to our well-being than is the fund which the sale of them would produce. The remarkable growth and prosperity of our new States and Territories attest the wisdom of the legislation which invites the tiller of the soil to secure a permanent home on terms within the reach of all. The pioneer who incurs the dangers and privations of a frontier life, and thus aids in laying the foundation of new commonwealths, renders a signal service to his country, and is entitled to its special favor and protection. These laws secure that object and largely promote the general welfare. They should therefore be cherished as a permanent feature of our land system.

Good faith requires us to give full effect to existing grants. The time-honored and beneficent policy of setting apart certain sections of public land for educational purposes in the new States should be continued. When ample provision shall have been made for these objects, I submit as a question worthy of serious consideration whether the residue of our national domain should not be wholly disposed of under the provisions of the homestead and preemption laws.

In addition to the swamp and overflowed lands granted to the States in which they are situated, the lands taken under the agricultural-college acts and for internal-improvement purposes under the act of September, 1841, and the acts supplemental thereto, there had been conveyed up to the close of the last fiscal year, by patent or other equivalent title, to States and corporations 27,836,257.63 acres for railways, canals, and wagon roads. It is estimated that an additional quantity of 174,735,523 acres is still due under grants for like uses. The policy of thus aiding the States in building works of internal improvement was inaugurated more than forty years since in the grants to Indiana and Illinois, to aid those States in opening canals to connect the waters of the Wabash with those of Lake Erie and the waters of the Illinois with those of Lake Michigan. It was followed, with some modifications, in the grant to Illinois of alternate sections of public land within certain limits of the Illinois Central Railway. Fourteen States and sundry corporations have received similar subsidies in connection with railways completed or in process of construction. As the reserved sections are rated at the double minimum, the sale of them at the enhanced price has thus in many instances indemnified the Treasury for the granted lands. The construction of some of these thoroughfares has undoubtedly given a vigorous impulse to the development of our resources and the settlement of the more distant portions of the country. It may, however, be well insisted that much of our legislation in this regard has been characterized by indiscriminate and profuse liberality. The United States should not loan their credit in aid of any enterprise undertaken by States or corporations, nor grant lands in any instance, unless the projected work is of acknowledged national importance. I am strongly inclined to the opinion that it is inexpedient and unnecessary to bestow subsidies of either description; but should Congress determine otherwise I earnestly recommend that the right of settlers and of the public be more effectually secured and protected by appropriate legislation.

During the year ending September 30, 1870, there were filed in the Patent Office 19,411 applications for patents, 3,374 caveats, and 160 applications for the extension of patents. Thirteen thousand six hundred and twenty-two patents, including reissues and designs, were issued, 1,010 extended, and 1,089 allowed, but not issued by reason of the nonpayment of the final fees. The receipts of the office during the fiscal year were $136,304.29 in excess of its expenditures.

The work of the Census Bureau has been energetically prosecuted. The preliminary report, containing much information of special value and interest, will be ready for delivery during the present session. The remaining volumes will be completed with all the dispatch consistent with perfect accuracy in arranging and classifying the returns. We shall thus at no distant day be furnished with an authentic record of our condition and resources. It will, I doubt not, attest the growing prosperity of the country, although during the decade which has just closed it was so severely tried by the great war waged to maintain its integrity and to secure and perpetuate our free institutions.

During the last fiscal year the sum paid to pensioners, including the cost of disbursement, was $27,780,811.11, and 1,758 bounty-land warrants were issued. At its close 198,686 names were on the pension rolls.

The labors of the Pension Office have been directed to the severe scrutiny of the evidence submitted in favor of new claims and to the discovery of fictitious claims which have been heretofore allowed. The appropriation for the employment of special agents for the investigation of frauds has been judiciously used, and the results obtained have been of unquestionable benefit to the service.

The subjects of education and agriculture are of great interest to the success of our republican institutions, happiness, and grandeur as a nation. In the interest of one a bureau has been established in the Interior Department—the Bureau of Education; and in the interest of the other, a separate Department, that of Agriculture. I believe great general good is to flow from the operations of both these Bureaus if properly fostered. I can not commend to your careful consideration too highly the reports of the Commissioners of Education and of Agriculture, nor urge too strongly such liberal legislation as to secure their efficiency.

In conclusion I would sum up the policy of the Administration to be a thorough enforcement of every law; a faithful collection of every tax provided for; economy in the disbursement of the same; a prompt payment of every debt of the nation; a reduction of taxes as rapidly as the requirements of the country will admit; reductions of taxation and tariff, to be so arranged as to afford the greatest relief to the greatest number; honest and fair dealings with all other peoples, to the end that war, with all its blighting consequences, may be avoided, but without surrendering any right or obligation due to us; a reform in the treatment of Indians and in the whole civil service of the country; and, finally, in securing a pure, untrammeled ballot, where every man entitled to cast a vote may do so, just once at each election, without fear of molestation or proscription on account of his political faith, nativity, or color.

U. S. GRANT.

SPECIAL MESSAGES.

DECEMBER 6, 1870.

To the Senate and House of Representatives:

In pursuance of the provisions of the second section of an act approved June 20, 1864, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1865, and for other purposes," I inform Congress that Louis W. Viollier, a consular clerk, was, on the 26th day of September last, removed from office for the following causes, namely: For disobedience of orders and continued absence from duty after orders to proceed to his post.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 5th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Guatemala, signed on the 11th day of October last, together with correspondence on the subject, a list of which is given.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the extradition of criminals fugitives from justice between the United States of America and the Republic of Nicaragua, signed at the city of Nicaragua on the 5th day of June last, together with correspondence upon the subject, of which a list is annexed.

U. S. GRANT.

*Report of fees collected, etc., by consular officers of the United States for 1868, and tariff of consular fees prescribed by the President October 1, 1870.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the extradition of criminals fugitives from justice between the United States and the Republic of Peru, signed at Lima on the 12th day of September last. As this treaty contains some stipulations of an unusual character, the special attention of the Senate is called to them.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Peru, signed at the city of Lima on the 6th day of September last, together with the correspondence in relation thereto, a list of which is annexed.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

Referring to my message of the 1st of February last, transmitting to the Senate, for its consideration with a view to ratification, a treaty between the United States and the United States of Colombia for the construction of an interoceanic canal across the Isthmus of Panama or Darien, signed at Bogota on the 26th of January last, I herewith submit correspondence upon the subject between the Secretary of State and the minister of the United States at Bogota, a list of which is hereto appended.

U. S. GRANT.

WASHINGTON, *December 8, 1870.*

To the House of Representatives of the United States:

In answer to its resolution of the 1st of July, 1870, I transmit to the House of Representatives a report* from the Secretary of State.

U. S. GRANT.

WASHINGTON, *December 8, 1870.*

To the Senate of the United States:

In answer to a resolution of the 5th instant, I transmit to the Senate a report† from the Secretary of State.

U. S. GRANT.

*Stating that the correspondence relative to the arrest and detention of American fishing vessels in the Straits of Canso by armed vessels flying the British flag had been communicated to Congress with the President's annual message on the 5th instant.

†Stating that the correspondence with the United States minister at Paris relative to the Franco-Prussian war had been communicated with the President's annual message on the 5th instant.

WASHINGTON, *December 12, 1870.*

To the Senate of the United States:

I submit to the Senate, for their consideration with a view to ratification, a convention relating to naturalization between the United States and the Austro-Hungarian Empire, signed at Vienna on the 20th of September, 1870, which is accompanied by the papers mentioned in the subjoined list.

U. S. GRANT.

WASHINGTON, *December 13, 1870.*

To the Senate of the United States:

I transmit, in answer to the resolution of the Senate of June 14, 1870, a report from the Secretary of State and the papers* by which it was accompanied.

U. S. GRANT.

WASHINGTON, *December 15, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 9th of April, 1869, I herewith transmit a report† from the Secretary of State.

U. S. GRANT.

WASHINGTON, *December 15, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 20th of January last, I herewith transmit a report‡ from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION, *December 19, 1870.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report§ of the Secretary of the Treasury, made in compliance with section 2 of the act approved July 11, 1870, "making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes."

U. S. GRANT.

* Relating to charges for messages made by the International Ocean Telegraph Company.

† Stating that all the correspondence relative to the condition of affairs in Paraguay believed to be required by the public interest had been made public.

‡ Stating that the claim for indemnity in the case of the ship *Canada*, wrecked on the coast of Brazil in 1865, had been referred to the British minister as arbiter, and submitting a summary of the case, correspondence connected with it, and a copy of the award of the arbiter.

§ Transmitting reports of consular agents.

WASHINGTON, *December 19, 1870.*

To the House of Representatives:

I transmit to the House of Representatives a report of the Secretary of State and the papers* by which it was accompanied, in answer to its resolution of the 7th instant.

U. S. GRANT.

EXECUTIVE MANSION, *January 4, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 12th of December, 1870, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

WASHINGTON, *January 9, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 5th instant, a report from the Secretary of State, with accompanying documents.‡

U. S. GRANT.

WASHINGTON, *January 9, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 5th instant, a report from the Secretary of State, with the accompanying documents.§

U. S. GRANT.

WASHINGTON, D. C.,
January 9, 1871.

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of amity, commerce, and consular privileges between the United States and the Republic of Salvador, signed at the city of San Salvador on the 6th of December last.

A copy of the official correspondence relating to the instrument is also herewith transmitted.

U. S. GRANT.

*Relating to the seizure at Port Hood, Nova Scotia, by a Canadian revenue cutter, of the schooner *Granada*, of Provincetown, Mass.

†Correspondence relative to public documents or libraries in the care of legations of the United States.

‡The last correspondence with Mr. Motley, including telegraphic dispatches, etc., relative to his recall as minister to the Court of St. James.

§Correspondence, etc., in 1844 and 1845 relative to the resources and condition of the Dominican Republic.

EXECUTIVE MANSION, *January 11, 1871.*

To the Senate of the United States:

In view of a proclamation having been published in newspapers of the United States purporting to emanate from Cabral, a chieftain who opposed the constitutional authorities of the Republic of San Domingo, I deem it but just to communicate to the Senate of the United States the views of that chieftain and his followers, as voluntarily communicated by him through the United States minister to the Republic of Hayti in June last. It will be observed by the letter of Minister Bassett that Cabral did not wish his views to be made public before the question of annexation was disposed of, in a way to work prejudice to his interest. But as the object which Cabral had already in view was to declare to the treaty-making power of the United States his views and those of his followers upon the subject of annexation of the Republic of San Domingo, and as the Senate is a branch of that power, I deem it no breach of confidence to communicate this letter to the Senate. I ask, however, that it may be read in executive session and that the request of Cabral be observed, so that in no case they shall be made public or used against him until the question of annexation is disposed of.

U. S. GRANT.

EXECUTIVE MANSION, *January 11, 1871.*

To the House of Representatives:

I transmit herewith, in reply to the resolution of the House of Representatives of the 5th instant, copies of the reports of Captain George B. McClellan upon the Dominican Republic, made in the year 1854.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1871.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 16th of December, 1870, requesting to be furnished with information relative to the organization of disloyal persons in North Carolina having in view resistance of the United States laws, denial of protection, and the enjoyment of the rights and liberties secured under the United States, etc., I transmit herewith abstracts of reports and other papers on file in the War Department relative to outrages in North Carolina, and also, for the information of the Senate, those relative to outrages in the other Southern States. The original reports and papers are too voluminous to be copied in season to be used by the present Congress, but are easily accessible for reference, and copies of such papers can be furnished as the Senate may deem necessary.

U. S. GRANT.

WASHINGTON, *January 16, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of 4th instant, a report from the Secretary of State, with accompanying documents, relating to the proposed annexation of the Dominican portion of the island of San Domingo.

U. S. GRANT.

EXECUTIVE MANSION, *January 17, 1871.*

To the Senate of the United States:

In answer to their resolution of the 16th of December, 1870, I herewith transmit copies of certain reports received at the War Department relative to disloyal organizations in the State of North Carolina, intended to resist the laws or to deprive the citizens of the United States of the protection of law or the enjoyment of their rights under the Constitution of the United States. These reports are in addition to the abstracts of those sent to the Senate on the 13th instant.

U. S. GRANT.

EXECUTIVE MANSION, *January 24, 1871.*

To the Senate of the United States:

In answer to your resolution of the 21st December, 1870, requesting the President "to furnish the Senate with the amount of money expended by the United States for freight and passage to the Pacific Coast by the way of the Isthmus and Cape Horn during the twelve months now last past," I herewith transmit reports from the Secretary of the Treasury, of War, and of the Navy, to whom, respectively, the resolution was referred.

U. S. GRANT.

WASHINGTON, *January 27, 1871.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report of the Secretary of State and the papers which accompanied it, concerning regulations for the consular courts of the United States in Japan.

U. S. GRANT.

WASHINGTON, *January 27, 1871.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of friendship, commerce, and navigation between the United States and the Oriental Republic of Uruguay, which was signed at Montevideo, it is presumed, in the course of last month, though the precise date has inadvertently been omitted.

A copy of the correspondence relating to the instrument is also herewith transmitted. From this it will be seen that the treaty is substantially the same as one between the same parties which has already been approved by the Senate and ratified by the President of the United States, but the ratifications of which have never been exchanged. If the Senate should approve the new treaty, it is suggested that their resolution to that effect should include authority to insert the precise date when that shall have been ascertained.

U. S. GRANT.

EXECUTIVE MANSION, *January 30, 1871.*

To the Senate and House of Representatives:

I transmit herewith an official copy of the proceedings of the council of Indian tribes held at Ocmulgee in December last, which resulted in the adoption of a declaration of rights and a constitution for their government, together with a copy of the report of the Commissioner of Indian Affairs and the views of the Secretary of the Interior thereon.

It would seem highly desirable that the civilized Indians of the country should be encouraged in establishing for themselves forms of Territorial government compatible with the Constitution of the United States and with the previous customs toward communities lying outside of State limits.

I concur in the views expressed by the Secretary of the Interior, that it would not be advisable to receive the new Territory with the constitution precisely as it is now framed. As long as a Territorial form of government is preserved, Congress should hold the power of approving or disapproving of all legislative action of the Territory, and the Executive should, with "the advice and consent of the Senate," have the power to appoint the governor and judicial officers (and possibly some others) of the Territory.

This is the first indication of the aborigines desiring to adopt our form of government, and it is highly desirable that they become self-sustaining, self-relying, Christianized, and civilized. If successful in this their first attempt at Territorial government, we may hope for a gradual concentration of other Indians in the new Territory. I therefore recommend as close an adherence to their wishes as is consistent with safety.

It might be well to limit the appointment of all Territorial officials appointed by the Executive to native citizens of the Territory. If any exception is made to this rule, I would recommend that it should be limited to the judiciary.

It is confidently hoped that the policy now being pursued toward the Indian will fit him for self-government and make him desire to settle among people of his own race where he can enjoy the full privileges of civil and enlightened government.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate and House of Representatives:

The union of the States of Germany into a form of government similar in many respects to that of the American Union is an event that can not fail to touch deeply the sympathies of the people of the United States.

This union has been brought about by the long-continued, persistent efforts of the people, with the deliberate approval of the governments and people of twenty-four of the German States, through their regularly constituted representatives.

In it the American people see an attempt to reproduce in Europe some of the best features of our own Constitution, with such modifications as the history and condition of Germany seem to require. The local governments of the several members of the union are preserved, while the power conferred upon the chief imparts strength for the purposes of self-defense, without authority to enter upon wars of conquest and ambition.

The cherished aspiration for national unity which for ages has inspired the many millions of people speaking the same language, inhabiting a contiguous and compact territory, but unnaturally separated and divided by dynastic jealousies and the ambition of short-sighted rulers, has been attained, and Germany now contains a population of about 34,000,000, united, like our own, under one Government for its relations with other powers, but retaining in its several members the right and power of control of their local interests, habits, and institutions.

The bringing of great masses of thoughtful and free people under a single government must tend to make governments what alone they should be—the representatives of the will and the organization of the power of the people.

The adoption in Europe of the American system of union under the control and direction of a free people, educated to self-restraint, can not fail to extend popular institutions and to enlarge the peaceful influence of American ideas.

The relations of the United States with Germany are intimate and cordial. The commercial intercourse between the two countries is extensive and is increasing from year to year; and the large number of citizens and residents in the United States of German extraction and the continued flow of emigration thence to this country have produced an intimacy of personal and political intercourse approaching, if not equal to, that with the country from which the founders of our Government derived their origin.

The extent of these interests and the greatness of the German Union seem to require that in the classification of the representatives of this Government to foreign powers there should no longer be an apparent undervaluation of the importance of the German mission, such as is made in the difference between the compensation allowed by law to the minister to

Germany and those to Great Britain and France. There would seem to be a great propriety in placing the representative of this Government at Berlin on the same footing with that of its representatives at London and Paris. The union of the several States of Germany under one Government and the increasing commercial and personal intercourse between the two countries will also add to the labors and the responsibilities of the legation.

I therefore recommend that the salaries of the minister and of the secretary of legation at Berlin be respectively increased to the same amounts as are allowed to those at London and Paris.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate of the United States:

In answer to that part of your resolution of the 4th of January last requesting copies of "instructions to the commander of our naval squadron in the waters of the island [of San Domingo] since the commencement of the late negotiations, with the reports and correspondence of such commander," I herewith transmit a report, with accompanying papers, received from the Secretary of the Navy.

U. S. GRANT.

EXECUTIVE MANSION, *February 8, 1871.*

To the Senate and House of Representatives:

I transmit herewith an extract of a paper addressed to the President, the Secretary of the Interior, and the Commissioner of Indian Affairs by the committee of Friends on Indian affairs having charge of the northern superintendency, in relation to a desire of certain Indian tribes to sell a portion of the lands owned by them, with a view of locating on other lands that they may be able to purchase, together with the report of the Commissioner of Indian Affairs thereon and a letter of the Secretary of the Interior Department approving the report of the Commissioner.

I submit the draft of a bill which has been prepared, and which it is believed will effect the object desired by the committee, and request the consideration thereof by Congress.

U. S. GRANT.

WASHINGTON, *February 9, 1871.*

To the Senate:

The British minister accredited to this Government recently, in compliance with instructions from his Government, submitted a proposal for the appointment of a "joint high commission," to be composed of members to be named by each Government, to hold its session at Washington, and to treat and discuss the mode of settling the different questions which

have arisen out of the fisheries, as well as those which affect the relations of the United States toward the British possessions in North America.

I did not deem it expedient to agree to the proposal unless the consideration of the questions growing out of the acts committed by the vessels which have given rise to the claims known as the "Alabama claims" were to be within the subject of discussion and settlement by the commission. The British Government having assented to this, the commission is expected shortly to meet. I therefore nominate as such commissioners, jointly and separately, on the part of the United States:

Hamilton Fish, Secretary of State.

Robert C. Schenck, envoy extraordinary and minister plenipotentiary to Great Britain.

Samuel Nelson, an associate justice of the Supreme Court of the United States.

Ebenezer R. Hoar, of Massachusetts.

George H. Williams, of Oregon.

I communicate herewith the correspondence which has passed on this subject between the Secretary of State and the British minister.

U. S. GRANT.

EXECUTIVE MANSION, *February 10, 1871.*

To the Senate and House of Representatives:

I submit herewith, for the information of Congress, the second annual report of the Board of Indian Commissioners to the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *February 13, 1871.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of the 6th instant, copies of the correspondence between the governor of the State of California and the President of the United States in the month of October, 1868, relative to the use of the military forces of the National Government in preserving the peace at the approaching State election.

U. S. GRANT.

EXECUTIVE MANSION, *February 15, 1871.*

To the Senate and House of Representatives:

I have this day transmitted to the Senate the announcement that Senate bill No. 218, "An act prescribing an oath of office to be taken by persons who participated in the late rebellion, but who are not disqualified from holding office by the fourteenth amendment to the Constitution

of the United States," has become a law in the manner prescribed by the Constitution, without the signature of the President.

If this were a bill for the repeal of the "test oath" required of persons "selected or appointed to offices of honor or trust," it would meet my approval. The effect of the law, however, is to relieve from taking a prescribed oath all those persons whom it was intended to exclude from such offices and to require it from all others. By this law the soldier who fought and bled for his country is to swear to his loyalty before assuming official functions, while the general who commanded hosts for the overthrow of his Government is admitted to place without it. I can not affix my name to a law which discriminates against the upholder of his Government.

I believe, however, that it is not wise policy to keep from office by an oath those who are not disqualified by the Constitution, and who are the choice of legal voters; but while relieving them from an oath which they can not take, I recommend the release also of those to whom the oath has no application.

U. S. GRANT.

EXECUTIVE MANSION, *February 17, 1871.*

To the Senate of the United States:

In answer to your resolution of the 19th of December last, requesting the President "to furnish the Senate with the entire cost of transportation of mails and freights of every description to the Pacific Coast, also to all intermediate points west of the Missouri River, from the annexation of California to July 1, 1864; and also the expenses of the War Department and Indian Bureau during the same period in guarding the overland route from the Missouri River to California against Indians and Mormons, and the cost of the Indian service on the same line, including in all cases freights and all other expenditures," I transmit herewith reports received from the Secretary of the Interior, the Secretary of War, and the Postmaster-General.

U. S. GRANT.

WASHINGTON, *February 27, 1871.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Great Britain, concluded at Washington on the 23d instant, supplemental to the convention between the two countries concluded May 13, 1870, concerning the citizenship of citizens or subjects of either country emigrating to the other.

The conclusion of the supplemental convention now submitted was found to be expedient in view of the stipulation contained in Article II

of the before-named convention of May 13, 1870, that the two Governments should agree upon the manner in which the renunciation within the periods specified, by naturalized citizens and subjects of either country, of their naturalization should be effected.

U. S. GRANT.

WASHINGTON, *March 3, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 2d instant a report of the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, *March 3, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of February 1, 1871, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *January 4, 1871.*

To the House of Representatives:

I herewith return without my approval House bill No. 1395, entitled "An act for the relief of Charles Cooper, Goshorn A. Jones, Jerome Rowley, William Hannegan, and John Hannegan," for the following reasons:

The act directs the discontinuance of an action at law said to be now pending in the United States district court for the northern district of Ohio for the enforcement of the bond executed by said parties to the United States, whereas in fact no such suit is pending in the district court, but such a suit is now pending in the circuit court of the United States for the sixth circuit and northern district of Ohio.

Neither the body of said act nor the proviso requires the obligors in said bond, who are released from all liability to the United States on account thereof, to abandon or release their pretended claim against the Government.

Since these parties have gone to Congress to ask relief from liability for a large sum of money on account of the failure of the principals in

* Correspondence from the United States legation at Constantinople relative to restrictions on the passage of the straits of the Dardanelles and the Bosphorus by the ships of other nations.

† Dispatches, etc., from the United States minister to the Court of Brazil relative to the Paraguayan war, the culture of cotton in Brazil, trade with Brazil, etc.

the bond to execute their contract, it is but just and proper that they at the same time should abandon the claim heretofore asserted by them against the Government growing out of the same transaction.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate of the United States:

I hereby return without my approval Senate resolution No. 92, entitled "A resolution for the relief of certain contractors for the construction of vessels of war and steam machinery," for the following reasons:

The act of March 2, 1867 (14 U. S. Statutes at Large, p. 424), directs the Secretary of the Navy--

to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the first day of January, 1864; and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor. * * *

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material when he could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

U. S. GRANT.

EXECUTIVE MANSION, *February 28, 1871.*

To the House of Representatives:

I herewith return without my approval House bill No. 2566, entitled "An act for the relief of Henry Willman, late a private in the Third Regiment of Indiana Cavalry," for the following reasons:

The records of the War Department show that Henry Willman was mustered into the military service April 4, 1862, and that he was mounted

on a private horse. It appears from evidence presented by himself that his horse died May 18, 1862; that he remounted himself on June 8, 1862, and so continued mounted till October 1, 1862, when his horse was killed by the enemy, and that he was not afterwards mounted upon a private horse.

Upon presenting a claim against the United States for the legal value of the two horses lost by him in the public service, the claim, after investigation, was allowed; but it being discovered that he had erroneously been paid for the use and risk of a private horse from May 18 to June 8, 1862, and from October 1, 1862, to April 30, 1864, during which periods he had no horse in the public service, the amount so overpaid was offset against his claim, leaving the latter fully liquidated and the claimant indebted to the United States in an amount not yet refunded.

The person named in the act is not, in law or equity, entitled to the relief therein provided, and has no unsatisfied demands against the United States.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given to me on the 17th day of this month by the Government of Portugal that the discriminating duties heretofore levied in the ports of Portugal on merchandise imported in vessels of the United States into said ports from other countries than those of which said merchandise was the growth, production, or manufacture have been abolished:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of January 7, 1824, and by an act in addition thereto of May 24, 1828, do hereby declare and proclaim that the discriminating duties heretofore levied in ports of the United States upon merchandise imported in Portuguese vessels from countries other than those of which such merchandise is the growth, produce, or manufacture shall be, and are hereby, suspended and discontinued, this suspension or discontinuance to take effect on and after the said 17th day of this month and to continue so long as the reciprocal exemption of merchandise belonging to citizens of the United States from such discriminating duties shall be granted in the ports of Portugal.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 25th day of February, A. D. 1871, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

[NOTE.—The Forty-second Congress, first session, met March 4, 1871, in accordance with the act of January 22, 1867.]

SPECIAL MESSAGES.

WASHINGTON, *March 17, 1871.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 14th instant, a report from the Secretary of State, making known that official notice has been received at the Department of State of the ratification by the legislature of one, and only one, additional State—to wit, that of New Jersey—of the fifteenth amendment to the Constitution of the United States since the 30th of March, 1870, the date of his certificate that three-fourths of the whole number of States in the United States had ratified that amendment and that it had become valid to all intents and purposes as part of the Constitution of the United States.

U. S. GRANT.

WASHINGTON, D. C., *March 23, 1871.*

To the Senate and House of Representatives:

A condition of affairs now exists in some of the States of the Union rendering life and property insecure and the carrying of the mails and the collection of the revenue dangerous. The proof that such a condition of affairs exists in some localities is now before the Senate. That the power to correct these evils is beyond the control of the State authorities I do not doubt; that the power of the Executive of the United States, acting within the limits of existing laws, is sufficient for present emergencies is not clear.

Therefore I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty, and property and the enforcement of law in all parts of the United States.

It may be expedient to provide that such law as shall be passed in

pursuance of this recommendation shall expire at the end of the next session of Congress.

There is no other subject upon which I would recommend legislation during the present session.

U. S. GRANT.

WASHINGTON, *March 28, 1871.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th instant, I transmit a report from the Secretary of State and the papers* which accompanied it.

U. S. GRANT.

WASHINGTON, *March 30, 1871.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Italy, signed at Florence on the 26th of last month.

U. S. GRANT.

EXECUTIVE MANSION, *March 31, 1871.*

To the Senate of the United States:

In answer to your resolution of the 17th instant, requesting, "if not incompatible with the public service, the report recently made by a board of officers of the Engineer Department on the condition of the Mississippi River near Vicksburg, Miss., with such remarks, suggestions, or recommendations as may be made by the Chief Engineer of the Army," I herewith transmit a report, dated 28th instant, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April 5, 1871.*

To the Senate and House of Representatives:

I have the honor to submit herewith to the two Houses of Congress the report of the commissioners appointed in pursuance of joint resolution approved January 12, 1871.

It will be observed that this report more than sustains all that I have heretofore said in regard to the productiveness and healthfulness of the Republic of San Domingo, of the unanimity of the people for annexation to the United States, and of their peaceable character.

It is due to the public, as it certainly is to myself, that I should here give all the circumstances which first led to the negotiation of a treaty for the annexation of the Republic of San Domingo to the United States.

* Reports, communications, etc., relative to the International Statistical Congress held at The Hague in 1869.

When I accepted the arduous and responsible position which I now hold, I did not dream of instituting any steps for the acquisition of insular possessions. I believed, however, that our institutions were broad enough to extend over the entire continent as rapidly as other peoples might desire to bring themselves under our protection. I believed further that we should not permit any independent government within the limits of North America to pass from a condition of independence to one of ownership or protection under a European power.

Soon after my inauguration as President I was waited upon by an agent of President Baez with a proposition to annex the Republic of San Domingo to the United States. This gentleman represented the capacity of the island, the desire of the people, and their character and habits about as they have been described by the commissioners whose report accompanies this message. He stated further that, being weak in numbers and poor in purse, they were not capable of developing their great resources; that the people had no incentive to industry on account of lack of protection for their accumulations, and that if not accepted by the United States—with institutions which they loved above those of any other nation—they would be compelled to seek protection elsewhere. To these statements I made no reply and gave no indication of what I thought of the proposition. In the course of time I was waited upon by a second gentleman from San Domingo, who made the same representations, and who was received in like manner.

In view of the facts which had been laid before me, and with an earnest desire to maintain the "Monroe doctrine," I believed that I would be derelict in my duty if I did not take measures to ascertain the exact wish of the Government and inhabitants of the Republic of San Domingo in regard to annexation and communicate the information to the people of the United States. Under the attending circumstances I felt that if I turned a deaf ear to this appeal I might in the future be justly charged with a flagrant neglect of the public interests and an utter disregard of the welfare of a downtrodden race praying for the blessings of a free and strong government and for protection in the enjoyment of the fruits of their own industry.

Those opponents of annexation who have heretofore professed to be preeminently the friends of the rights of man I believed would be my most violent assailants if I neglected so clear a duty. Accordingly, after having appointed a commissioner to visit the island, who declined on account of sickness, I selected a second gentleman, in whose capacity, judgment, and integrity I had, and have yet, the most unbounded confidence.

He visited San Domingo, not to secure or hasten annexation, but, unprejudiced and unbiased, to learn all the facts about the Government, the people, and the resources of that Republic. He went certainly as well prepared to make an unfavorable report as a favorable one, if the facts warranted it. His report fully corroborated the views of previous

commissioners, and upon its receipt I felt that a sense of duty and a due regard for our great national interests required me to negotiate a treaty for the acquisition of the Republic of San Domingo.

As soon as it became publicly known that such a treaty had been negotiated, the attention of the country was occupied with allegations calculated to prejudice the merits of the case and with aspersions upon those whose duty had connected them with it. Amid the public excitement thus created the treaty failed to receive the requisite two-thirds vote of the Senate, and was rejected; but whether the action of that body was based wholly upon the merits of the treaty, or might not have been in some degree influenced by such unfounded allegations, could not be known by the people, because the debates of the Senate in secret session are not published.

Under these circumstances I deemed it due to the office which I hold and due to the character of the agents who had been charged with the investigation that such proceedings should be had as would enable the people to know the truth. A commission was therefore constituted, under authority of Congress, consisting of gentlemen selected with special reference to their high character and capacity for the laborious work intrusted to them, who were instructed to visit the spot and report upon the facts. Other eminent citizens were requested to accompany the commission, in order that the people might have the benefit of their views. Students of science and correspondents of the press, without regard to political opinions, were invited to join the expedition, and their numbers were limited only by the capacity of the vessel.

The mere rejection by the Senate of a treaty negotiated by the President only indicates a difference of opinion between two coordinate departments of the Government, without touching the character or wounding the pride of either. But when such rejection takes place simultaneously with charges openly made of corruption on the part of the President or those employed by him the case is different. Indeed, in such case the honor of the nation demands investigation. This has been accomplished by the report of the commissioners herewith transmitted, and which fully vindicates the purity of the motives and action of those who represented the United States in the negotiation.

And now my task is finished, and with it ends all personal solicitude upon the subject. My duty being done, yours begins; and I gladly hand over the whole matter to the judgment of the American people and of their representatives in Congress assembled. The facts will now be spread before the country, and a decision rendered by that tribunal whose convictions so seldom err, and against whose will I have no policy to enforce. My opinion remains unchanged; indeed, it is confirmed by the report that the interests of our country and of San Domingo alike invite the annexation of that Republic.

In view of the difference of opinion upon this subject, I suggest that

no action be taken at the present session beyond the printing and general dissemination of the report. Before the next session of Congress the people will have considered the subject and formed an intelligent opinion concerning it, to which opinion, deliberately made up, it will be the duty of every department of the Government to give heed; and no one will more cheerfully conform to it than myself. It is not only the theory of our Constitution that the will of the people, constitutionally expressed, is the supreme law, but I have ever believed that "all men are wiser than any one man;" and if the people, upon a full presentation of the facts, shall decide that the annexation of the Republic is not desirable, every department of the Government ought to acquiesce in that decision.

In again submitting to Congress a subject upon which public sentiment has been divided, and which has been made the occasion of acrimonious debates in Congress, as well as of unjust aspersions elsewhere, I may, I trust, be indulged in a single remark.

No man could hope to perform duties so delicate and responsible as pertain to the Presidential office without sometimes incurring the hostility of those who deem their opinions and wishes treated with insufficient consideration; and he who undertakes to conduct the affairs of a great government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people whose best interests he has striven to subserve, and can bear with patience the censure of disappointed men.

U. S. GRANT.

WASHINGTON, *April 5, 1871.*

To the Senate of the United States:

I transmit confidentially, for the information and consideration of the Senate, a copy of a dispatch of the 25th of February last relative to the annexation of the Hawaiian Islands, addressed to the Department of State by Henry A. Pierce, minister resident of the United States at Honolulu. Although I do not deem it advisable to express any opinion or to make any recommendation in regard to the subject at this juncture, the views of the Senate, if it should be deemed proper to express them, would be very acceptable with reference to any future course which there might be a disposition to adopt.

U. S. GRANT.

WASHINGTON, *April 11, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of March 31, 1871, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

* Dispatches from the United States minister at Florence relative to the occupation of Rome by the King of Italy.

[The following messages were sent to the special session of the Senate convened by proclamation (see pp. 133–134) of April 20, 1871.]

WASHINGTON, *May 10, 1871.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and Great Britain for the settlement of pending questions between the two countries, signed at Washington on the 8th instant by the commissioners of the United States and Great Britain, respectively.

Copies of the powers and instructions to the commissioners on the part of the United States and the protocols of the conferences are also transmitted.

U. S. GRANT.

WASHINGTON, *May 15, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 10th instant, a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *May 17, 1871.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 15th instant, I transmit herewith a report† from the Secretary of State.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth the militia of any other State or States,

* Relating to claims of the subjects of foreign nations growing out of the War of the Rebellion.
† Relating to claims under the treaty of Washington of May 8, 1871.

or to employ such part of the land and naval force as shall be judged necessary for the purpose of suppressing such insurrection or of causing the laws to be duly executed; and

Whereas I have received information that combinations of armed men, unauthorized by law, are now disturbing the peace and safety of the citizens of the State of South Carolina and committing acts of violence in said State of a character and to an extent which render the power of the State and its officers unequal to the task of protecting life and property and securing public order therein; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against the domestic violence hereinbefore mentioned and to enforce the due execution of the laws; and

Whereas the laws of the United States require that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby command the persons composing the unlawful combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of March, A. D. 1871, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on Wednesday, the 10th day of May next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States

to convene for the transaction of business at the Capitol, in the city of Washington, on Wednesday, the 10th day of May next, at 12 o'clock on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 20th day of April, A. D. 1871, and of the Independence of the United States of America the ninety-fifth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, A. D. 1871, being a law of extraordinary public importance, I consider it my duty to issue this my proclamation, calling the attention of the people of the United States thereto, enjoining upon all good citizens, and especially upon all public officers, to be zealous in the enforcement thereof, and warning all persons to abstain from committing any of the acts thereby prohibited.

This law of Congress applies to all parts of the United States and will be enforced everywhere to the extent of the powers vested in the Executive. But inasmuch as the necessity therefor is well known to have been caused chiefly by persistent violations of the rights of citizens of the United States by combinations of lawless and disaffected persons in certain localities lately the theater of insurrection and military conflict, I do particularly exhort the people of those parts of the country to suppress all such combinations by their own voluntary efforts through the agency of local laws and to maintain the rights of all citizens of the United States and to secure to all such citizens the equal protection of the laws.

Fully sensible of the responsibility imposed upon the Executive by the act of Congress to which public attention is now called, and reluctant to call into exercise any of the extraordinary powers thereby conferred upon me except in cases of imperative necessity, I do, nevertheless, deem it my duty to make known that I will not hesitate to exhaust the powers thus vested in the Executive whenever and wherever it shall become necessary to do so for the purpose of securing to all citizens of the United States the peaceful enjoyment of the rights guaranteed to them by the Constitution and laws.

It is my earnest wish that peace and cheerful obedience to law may prevail throughout the land and that all traces of our late unhappy civil

strife may be speedily removed. These ends can be easily reached by acquiescence in the results of the conflict, now written in our Constitution, and by the due and proper enforcement of equal, just, and impartial laws in every part of our country.

The failure of local communities to furnish such means for the attainment of results so earnestly desired imposes upon the National Government the duty of putting forth all its energies for the protection of its citizens of every race and color and for the restoration of peace and order throughout the entire country.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of May, A. D. 1871, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas unlawful combinations and conspiracies have long existed and do still exist in the State of South Carolina for the purpose of depriving certain portions and classes of the people of that State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States;" and

Whereas in certain parts of said State, to wit, in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, such combinations and conspiracies do so obstruct and hinder the execution of the laws of said State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid and do oppose and obstruct the laws of the United States and their due execution and impede and obstruct the due course of justice under the same; and

Whereas the constituted authorities of said State are unable to protect the people aforesaid in such rights within the said counties; and

Whereas the combinations and conspiracies aforesaid, within the counties aforesaid, are organized and armed and are so numerous and powerful as to be able to defy the constituted authorities of said State and of the United States within the said State, and by reason of said causes the conviction of such offenders and the preservation of the public peace and safety have become impracticable in said counties:

Now, therefore, I, Ulysses S. Grant, President of the United States of

America, do hereby command all persons composing the unlawful combinations and conspiracies aforesaid to disperse and to retire peaceably to their homes within five days of the date hereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved the 20th day of April, A. D. 1871, power is given to the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* in any State or part of a State whenever combinations and conspiracies exist in such State or part of a State for the purpose of depriving any portion or class of the people of such State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress aforesaid; and whenever such combinations and conspiracies do so obstruct and hinder the execution of the laws of any such State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid, and do oppose and obstruct the laws of the United States and their due execution, and impede and obstruct the due course of justice under the same; and whenever such combinations shall be organized and armed, and so numerous and powerful as to be able by violence either to overthrow or to set at defiance the constituted authorities of said State and of the United States within such State; and whenever by reason of said causes the conviction of such offenders and the preservation of the public peace shall become in such State or part of a State impracticable; and

Whereas such unlawful combinations and conspiracies for the purposes

aforesaid are declared by the act of Congress aforesaid to be rebellion against the Government of the United States; and

Whereas by said act of Congress it is provided that before the President shall suspend the privileges of the writ of *habeas corpus* he shall first have made proclamation commanding such insurgents to disperse; and

Whereas on the 12th day of the present month of October the President of the United States did issue his proclamation, reciting therein, among other things, that such combinations and conspiracies did then exist in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in the State of South Carolina, and commanding thereby all persons composing such unlawful combinations and conspiracies to disperse and retire peaceably to their homes within five days from the date thereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the said combinations and conspiracies are organized; and

Whereas the insurgents engaged in such unlawful combinations and conspiracies within the counties aforesaid have not dispersed and retired peaceably to their respective homes, and have not delivered to the marshal of the United States, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized, as commanded by said proclamation, but do still persist in the unlawful combinations and conspiracies aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that in my judgment the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privileges of the writ of *habeas corpus* within the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies, or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer within any one of said counties, charged with any violation of the act of Congress aforesaid, during the continuance of such rebellion.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of October, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The process of the seasons has again enabled the husbandman to garner the fruits of successful toil. Industry has been generally well rewarded. We are at peace with all nations, and tranquillity, with few exceptions, prevails at home. Within the past year we have in the main been free from ills which elsewhere have afflicted our kind. If some of us have had calamities, these should be an occasion for sympathy with the sufferers, of resignation on their part to the will of the Most High, and of rejoicing to the many who have been more favored.

I therefore recommend that on Thursday, the 30th day of November next, the people meet in their respective places of worship and there make the usual annual acknowledgments to Almighty God for the blessings He has conferred upon them, for their merciful exemption from evils, and invoke His protection and kindness for their less fortunate brethren, whom in His wisdom He has deemed it best to chastise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of October, A. D. 1871, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in my proclamation of the 12th day of October, in the year 1871, it was recited that certain unlawful combinations and conspiracies existed in certain counties in the State of South Carolina for the purpose of depriving certain portions and classes of the people of that State of the rights, privileges, and immunities and protection named in the Constitution of the United States and secured by the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the four-

teenth amendment to the Constitution of the United States," and the persons composing such combinations and conspiracies were commanded to disperse and to retire peaceably to their homes within five days from said date; and

Whereas by my proclamation of the 17th day of October, in the year 1871, the privileges of the writ of *habeas corpus* were suspended in the counties named in said proclamation; and

Whereas the county of Marion was named in said proclamations as one of the counties in which said unlawful combinations and conspiracies for the purposes aforesaid existed, and in which the privileges of the writ of *habeas corpus* were suspended; and

Whereas it has been ascertained that in said county of Marion said combinations and conspiracies do not exist to the extent recited in said proclamations; and

Whereas it has been ascertained that unlawful combinations and conspiracies of the character and to the extent and for the purposes described in said proclamations do exist in the county of Union in said State:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby revoke, as to the said county of Marion, the suspension of the privileges of the writ of *habeas corpus* directed in my said proclamation of the 17th day of October, 1871.

And I do hereby command all persons in the said county of Union composing the unlawful combinations and conspiracies aforesaid to disperse and to retire peaceably to their homes within five days of the date hereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of November, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved the 20th day of April, A. D

1871, power is given to the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* in any State or part of a State whenever combinations and conspiracies exist in such State or part of a State for the purpose of depriving any portion or class of the people of such State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress aforesaid; and whenever such combinations and conspiracies do so obstruct and hinder the execution of the laws of any such State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid, and do oppose and obstruct the laws of the United States and their due execution, and impede and obstruct the due course of justice under the same; and whenever such combinations shall be organized and armed and so numerous and powerful as to be able by violence either to overthrow or to set at defiance the constituted authorities of said State and of the United States within such State; and whenever by reason of said causes the conviction of such offenders and the preservation of the public peace shall become in such State or part of a State impracticable; and

Whereas such unlawful combinations and conspiracies for the purposes aforesaid are declared by the act of Congress aforesaid to be rebellion against the Government of the United States; and

Whereas by said act of Congress it is provided that before the President shall suspend the privileges of the writ of *habeas corpus* he shall first have made proclamation commanding such insurgents to disperse; and

Whereas on the 3d day of the present month of November the President of the United States did issue his proclamation, reciting therein, among other things, that such combinations and conspiracies did then exist in the county of Union, in the State of South Carolina, and commanding thereby all persons composing such unlawful combinations and conspiracies to disperse and retire peaceably to their homes within five days from the date thereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the said combinations and conspiracies are organized; and

Whereas the insurgents engaged in such unlawful combinations and conspiracies within the county aforesaid have not dispersed and retired peaceably to their respective homes, and have not delivered to the marshal of the United States, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for

which the combinations and conspiracies are organized, as commanded by said proclamation, but do still persist in the unlawful combinations and conspiracies aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that in my judgment the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privileges of the writ of *habeas corpus* within the county of Union, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer within said county, charged with any violation of the act of Congress aforesaid, during the continuance of such rebellion.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of November, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDER.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *March 31, 1871.*

The act of June 15, 1852, section 1 (10 U. S. Statutes at Large, p. 10), provides:

> That whenever any officer of either of the Territories of the United States shall be absent therefrom and from the duties of his office no salary shall be paid him during the year in which such absence shall occur, unless good cause therefor shall be shown to the President of the United States, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

It has been the practice under this law for the Territorial officers who have desired to be absent from their respective Territories to apply for leaves to the head of the proper Department at Washington, and when such leave has been given the required certificate of the President has been granted as a matter of course.

The unusual number of applications for leave of absence which have been lately made by Territorial officers has induced the President to announce that he expects the gentlemen who hold those offices to stay in their respective Territories and to attend strictly to their official duties. They have been appointed for service in the Territory and for the benefit and convenience of the Territorial population. He expects them by their personal presence to identify themselves with the people and acquire local information, without which their duties can not be well performed. Frequent or long absence makes them in some degree strangers, and therefore less acceptable to the people. Their absence, no matter with what substitution, must often put the people to inconvenience. Executive officers may be required for emergencies which could not be foreseen. Judges should be at hand, not only when the courts are in session, but for matters of bail, *habeas corpus*, orders in equity, examination of persons charged with crime, and other similar business, which often arises in vacation.

These and similar considerations no doubt induced Congress to pass the law above quoted.

It is therefore directed that in future the heads of Departments shall grant leaves of absence to Territorial officers only for reasons of the most urgent character, and then only for the shortest possible time.

By order of the President:

HAMILTON FISH,
Secretary of State.

THIRD ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 4, 1871.*

To the Senate and House of Representatives:

In addressing my third annual message to the law-making branch of the Government it is gratifying to be able to state that during the past year success has generally attended the effort to execute all laws found upon the statute books. The policy has been not to inquire into the wisdom of laws already enacted, but to learn their spirit and intent and to enforce them accordingly.

The past year has, under a wise Providence, been one of general prosperity to the nation. It has, however, been attended with more than usual chastisements in the loss of life and property by storm and fire. These disasters have served to call forth the best elements of human nature in our country and to develop a friendship for us on the part of foreign nations which goes far toward alleviating the distresses occasioned by these calamities. The benevolent, who have so generously shared their means with the victims of these misfortunes, will reap their reward in the

consciousness of having performed a noble act and in receiving the grateful thanks of men, women, and children whose sufferings they have relieved.

The relations of the United States with foreign powers continue to be friendly. The year has been an eventful one in witnessing two great nations, speaking one language and having one lineage, settling by peaceful arbitration disputes of long standing and liable at any time to bring those nations into bloody and costly conflict. An example has thus been set which, if successful in its final issue, may be followed by other civilized nations, and finally be the means of returning to productive industry millions of men now maintained to settle the disputes of nations by the bayonet and the broadside.

I transmit herewith a copy of the treaty alluded to, which has been concluded since the adjournment of Congress with Her Britannic Majesty, and a copy of the protocols of the conferences of the commissioners by whom it was negotiated. This treaty provides methods for adjusting the questions pending between the two nations.

Various questions are to be adjusted by arbitration. I recommend Congress at an early day to make the necessary provision for the tribunal at Geneva and for the several commissioners on the part of the United States called for by the treaty.

His Majesty the King of Italy, the President of the Swiss Confederation, and His Majesty the Emperor of Brazil have each consented, on the joint request of the two powers, to name an arbiter for the tribunal at Geneva. I have caused my thanks to be suitably expressed for the readiness with which the joint request has been complied with, by the appointment of gentlemen of eminence and learning to these important positions.

His Majesty the Emperor of Germany has been pleased to comply with the joint request of the two Governments, and has consented to act as the arbitrator of the disputed water boundary between the United States and Great Britain.

The contracting parties in the treaty have undertaken to regard as between themselves certain principles of public law, for which the United States have contended from the commencement of their history. They have also agreed to bring those principles to the knowledge of the other maritime powers and to invite them to accede to them. Negotiations are going on as to the form of the note by which the invitation is to be extended to the other powers.

I recommend the legislation necessary on the part of the United States to bring into operation the articles of the treaty relating to the fisheries and to the other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation shall be had on the part of Great Britain and its possessions. It is much to be desired that this legislation may

become operative before the fishermen of the United States begin to make their arrangements for the coming season.

I have addressed a communication, of which a copy is transmitted herewith, to the governors of New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, and Wisconsin, urging upon the governments of those States, respectively, the necessary action on their part to carry into effect the object of the article of the treaty which contemplates the use of the canals, on either side, connected with the navigation of the lakes and rivers forming the boundary, on terms of equality, by the inhabitants of both countries. It is hoped that the importance of the object and the benefits to flow therefrom will secure the speedy approval and legislative sanction of the States concerned.

I renew the recommendation for an appropriation for determining the true position of the forty-ninth parallel of latitude where it forms the boundary between the United States and the British North American possessions, between the Lake of the Woods and the summit of the Rocky Mountains. The early action of Congress on this recommendation would put it in the power of the War Department to place a force in the field during the next summer.

The resumption of diplomatic relations between France and Germany has enabled me to give directions for the withdrawal of the protection extended to Germans in France by the diplomatic and consular representatives of the United States in that country. It is just to add that the delicate duty of this protection has been performed by the minister and the consul-general at Paris, and the various consuls in France under the supervision of the latter, with great kindness as well as with prudence and tact. Their course has received the commendation of the German Government, and has wounded no susceptibility of the French.

The Government of the Emperor of Germany continues to manifest a friendly feeling toward the United States, and a desire to harmonize with the moderate and just policy which this Government maintains in its relations with Asiatic powers, as well as with the South American Republics. I have given assurances that the friendly feelings of that Government are fully shared by the United States.

The ratifications of the consular and naturalization conventions with the Austro-Hungarian Empire have been exchanged.

I have been officially informed of the annexation of the States of the Church to the Kingdom of Italy, and the removal of the capital of that Kingdom to Rome. In conformity with the established policy of the United States, I have recognized this change. The ratifications of the new treaty of commerce between the United States and Italy have been exchanged. The two powers have agreed in this treaty that private property at sea shall be exempt from capture in case of war between the two powers. The United States have spared no opportunity of incorporating this rule into the obligation of nations.

The Forty-first Congress, at its third session, made an appropriation for the organization of a mixed commission for adjudicating upon the claims of citizens of the United States against Spain growing out of the insurrection in Cuba. That commission has since been organized. I transmit herewith the correspondence relating to its formation and its jurisdiction. It is to be hoped that this commission will afford the claimants a complete remedy for their injuries.

It has been made the agreeable duty of the United States to preside over a conference at Washington between the plenipotentiaries of Spain and the allied South American Republics, which has resulted in an armistice, with the reasonable assurance of a permanent peace.

The intimate friendly relations which have so long existed between the United States and Russia continue undisturbed. The visit of the third son of the Emperor is a proof that there is no desire on the part of his Government to diminish the cordiality of those relations. The hospitable reception which has been given to the Grand Duke is a proof that on our side we share the wishes of that Government. The inexcusable course of the Russian minister at Washington rendered it necessary to ask his recall and to decline to longer receive that functionary as a diplomatic representative. It was impossible, with self-respect or with a just regard to the dignity of the country, to permit Mr. Catacazy to continue to hold intercourse with this Government after his personal abuse of Government officials, and during his persistent interferences, through various means, with the relations between the United States and other powers. In accordance with my wishes, this Government has been relieved of further intercourse with Mr. Catacazy, and the management of the affairs of the imperial legation has passed into the hands of a gentleman entirely unobjectionable.

With Japan we continue to maintain intimate relations. The cabinet of the Mikado has since the close of the last session of Congress selected citizens of the United States to serve in offices of importance in several departments of Government. I have reason to think that this selection is due to an appreciation of the disinterestedness of the policy which the United States have pursued toward Japan. It is our desire to continue to maintain this disinterested and just policy with China as well as Japan. The correspondence transmitted herewith shows that there is no disposition on the part of this Government to swerve from its established course.

Prompted by a desire to put an end to the barbarous treatment of our shipwrecked sailors on the Korean coast, I instructed our minister at Peking to endeavor to conclude a convention with Korea for securing the safety and humane treatment of such mariners.

Admiral Rodgers was instructed to accompany him with a sufficient force to protect him in case of need.

A small surveying party sent out, on reaching the coast was treacherously attacked at a disadvantage. Ample opportunity was given for

explanation and apology for the insult. Neither came. A force was then landed. After an arduous march over a rugged and difficult country, the forts from which the outrages had been committed were reduced by a gallant assault and were destroyed. Having thus punished the criminals, and having vindicated the honor of the flag, the expedition returned, finding it impracticable under the circumstances to conclude the desired convention. I respectfully refer to the correspondence relating thereto, herewith submitted, and leave the subject for such action as Congress may see fit to take.

The Republic of Mexico has not yet repealed the very objectionable laws establishing what is known as the "free zone" on the frontier of the United States. It is hoped that this may yet be done, and also that more stringent measures may be taken by that Republic for restraining lawless persons on its frontiers. I hope that Mexico by its own action will soon relieve this Government of the difficulties experienced from these causes.

Our relations with the various Republics of Central and South America continue, with one exception, to be cordial and friendly.

I recommend some action by Congress regarding the overdue installments under the award of the Venezuelan Claims Commission of 1866. The internal dissensions of this Government present no justification for the absence of effort to meet their solemn treaty obligations.

The ratification of an extradition treaty with Nicaragua has been exchanged.

It is a subject for congratulation that the great Empire of Brazil has taken the initiatory step toward the abolition of slavery. Our relations with that Empire, always cordial, will naturally be made more so by this act. It is not too much to hope that the Government of Brazil may hereafter find it for its interest, as well as intrinsically right, to advance toward entire emancipation more rapidly than the present act contemplates.

The true prosperity and greatness of a nation is to be found in the elevation and education of its laborers.

It is a subject for regret that the reforms in this direction which were voluntarily promised by the statesmen of Spain have not been carried out in its West India colonies. The laws and regulations for the apparent abolition of slavery in Cuba and Porto Rico leave most of the laborers in bondage, with no hope of release until their lives become a burden to their employers.

I desire to direct your attention to the fact that citizens of the United States, or persons claiming to be citizens of the United States, are large holders in foreign lands of this species of property, forbidden by the fundamental law of their alleged country. I recommend to Congress to provide by stringent legislation a suitable remedy against the holding, owning, or dealing in slaves, or being interested in slave property, in

foreign lands, either as owners, hirers, or mortgagors, by citizens of the United States.

It is to be regretted that the disturbed condition of the island of Cuba continues to be a source of annoyance and of anxiety. The existence of a protracted struggle in such close proximity to our own territory, without apparent prospect of an early termination, can not be other than an object of concern to a people who, while abstaining from interference in the affairs of other powers, naturally desire to see every country in the undisturbed enjoyment of peace, liberty, and the blessings of free institutions.

Our naval commanders in Cuban waters have been instructed, in case it should become necessary, to spare no effort to protect the lives and property of *bona fide* American citizens and to maintain the dignity of the flag.

It is hoped that all pending questions with Spain growing out of the affairs in Cuba may be adjusted in the spirit of peace and conciliation which has hitherto guided the two powers in their treatment of such questions.

To give importance to and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, I earnestly recommend that an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there. Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated, our representatives in Japan and China have to depend for interpreters and translators upon natives of those countries who know our language imperfectly, or procure for the occasion the services of employees in foreign business houses or the interpreters to other foreign ministers.

I would also recommend liberal measures for the purpose of supporting the American lines of steamers now plying between San Francisco and Japan and China, and the Australian line—almost our only remaining lines of ocean steamers—and of increasing their services.

The national debt has been reduced to the extent of $86,057,126.80 during the year, and by the negotiation of national bonds at a lower rate of interest the interest on the public debt has been so far diminished that now the sum to be raised for the interest account is nearly $17,000,000 less than on the 1st of March, 1869. It was highly desirable that this rapid diminution should take place, both to strengthen the credit of the country and to convince its citizens of their entire ability to meet every dollar of liability without bankrupting them. But in view of the accomplishment of these desirable ends; of the rapid development of the

resources of the country; its increasing ability to meet large demands, and the amount already paid, it is not desirable that the present resources of the country should continue to be taxed in order to continue this rapid payment. I therefore recommend a modification of both the tariff and internal-tax law. I recommend that all taxes from internal sources be abolished, except those collected from spirituous, vinous, and malt liquors, tobacco in its various forms, and from stamps.

In readjusting the tariff I suggest that a careful estimate be made of the amount of surplus revenue collected under the present laws, after providing for the current expenses of the Government, the interest account, and a sinking fund, and that this surplus be reduced in such a manner as to afford the greatest relief to the greatest number. There are many articles not produced at home, but which enter largely into general consumption through articles which are manufactured at home, such as medicines compounded, etc., etc., from which very little revenue is derived, but which enter into general use. All such articles I recommend to be placed on the "free list." Should a further reduction prove advisable, I would then recommend that it be made upon those articles which can best bear it without disturbing home production or reducing the wages of American labor.

I have not entered into figures, because to do so would be to repeat what will be laid before you in the report of the Secretary of the Treasury The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures), which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered, to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Continued fluctuations in the value of gold, as compared with the national currency, has a most damaging effect upon the increase and development of the country, in keeping up prices of all articles necessary in everyday life. It fosters a spirit of gambling, prejudicial alike to national morals and the national finances. If the question can be met as to how to get a fixed value to our currency, that value constantly and uniformly approaching par with specie, a very desirable object will be gained.

For the operations of the Army in the past year, the expense of maintaining it, the estimate for the ensuing year, and for continuing seacoast and other improvements conducted under the supervision of the War Department, I refer you to the accompanying report of the Secretary of War.

I call your attention to the provisions of the act of Congress approved March 3, 1869, which discontinues promotions in the staff corps of the Army until provided for by law. I recommend that the number of

officers in each grade in the staff corps be fixed, and that whenever the number in any one grade falls below the number so fixed, that the vacancy may be filled by promotion from the grade below. I also recommend that when the office of chief of a corps becomes vacant the place may be filled by selection from the corps in which the vacancy exists.

The report of the Secretary of the Navy shows an improvement in the number and efficiency of the naval force, without material increase in the expense of supporting it. This is due to the policy which has been adopted, and is being extended as fast as our material will admit, of using smaller vessels as cruisers on the several stations. By this means we have been enabled to occupy at once a larger extent of cruising grounds, to visit more frequently the ports where the presence of our flag is desirable, and generally to discharge more efficiently the appropriate duties of the Navy in time of peace, without exceeding the number of men or the expenditure authorized by law.

During the past year the Navy has, in addition to its regular service, supplied the men and officers for the vessels of the Coast Survey, and has completed the surveys authorized by Congress of the isthmuses of Darien and Tehuantepec, and, under like authority, has sent out an expedition, completely furnished and equipped, to explore the unknown ocean of the north.

The suggestions of the report as to the necessity for increasing and improving the *matériel* of the Navy, and the plan recommended for reducing the *personnel* of the service to a peace standard, by the gradual abolition of certain grades of officers, the reduction of others, and the employment of some in the service of the commercial marine, are well considered and deserve the thoughtful attention of Congress.

I also recommend that all promotions in the Navy above the rank of captain be by selection instead of by seniority. This course will secure in the higher grades greater efficiency and hold out an incentive to young officers to improve themselves in the knowledge of their profession.

The present cost of maintaining the Navy, its cost compared with that of the preceding year, and the estimates for the ensuing year are contained in the accompanying report of the Secretary of the Navy.

The enlarged receipts of the Post-Office Department, as shown by the accompanying report of the Postmaster-General, exhibit a gratifying increase in that branch of the public service. It is the index of the growth of education and of the prosperity of the people, two elements highly conducive to the vigor and stability of republics. With a vast territory like ours, much of it sparsely populated, but all requiring the services of the mail, it is not at present to be expected that this Department can be made self-sustaining. But a gradual approach to this end from year to year is confidently relied on, and the day is not far distant when the Post-Office Department of the Government will prove a much greater blessing to the whole people than it is now.

The suggestions of the Postmaster-General for improvements in the

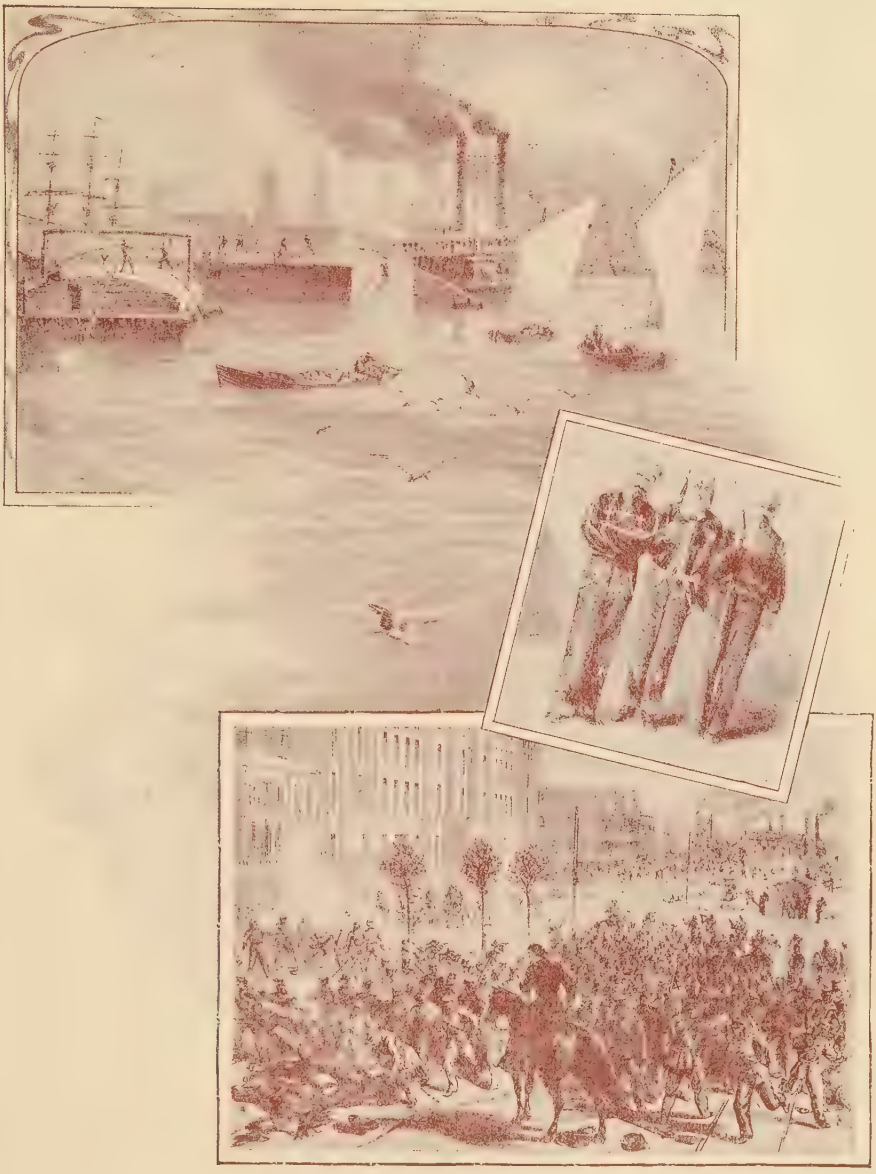
Department presided over by him are earnestly recommended to your special attention. Especially do I recommend favorable consideration of the plan for uniting the telegraphic system of the United States with the postal system. It is believed that by such a course the cost of telegraphing could be much reduced, and the service as well, if not better, rendered. It would secure the further advantage of extending the telegraph through portions of the country where private enterprise will not construct it. Commerce, trade, and, above all, the efforts to bring a people widely separated into a community of interest are always benefited by a rapid intercommunication. Education, the groundwork of republican institutions, is encouraged by increasing the facilities to gather speedy news from all parts of the country. The desire to reap the benefit of such improvements will stimulate education. I refer you to the report of the Postmaster-General for full details of the operations of last year and for comparative statements of results with former years.

There has been imposed upon the executive branch of the Government the execution of the act of Congress approved April 20, 1871, and commonly known as the Kuklux law, in a portion of the State of South Carolina. The necessity of the course pursued will be demonstrated by the report of the Committee to Investigate Southern Outrages. Under the provisions of the above act I issued a proclamation* calling the attention of the people of the United States to the same, and declaring my reluctance to exercise any of the extraordinary powers thereby conferred upon me, except in case of imperative necessity, but making known my purpose to exercise such powers whenever it should become necessary to do so for the purpose of securing to all citizens of the United States the peaceful enjoyment of the rights guaranteed to them by the Constitution and the laws.

After the passage of this law information was received from time to time that combinations of the character referred to in this law existed and were powerful in many parts of the Southern States, particularly in certain counties in the State of South Carolina.

Careful investigation was made, and it was ascertained that in nine counties of that State such combinations were active and powerful, embracing a sufficient portion of the citizens to control the local authority, and having, among other things, the object of depriving the emancipated class of the substantial benefits of freedom and of preventing the free political action of those citizens who did not sympathize with their own views. Among their operations were frequent scourgings and occasional assassinations, generally perpetrated at night by disguised persons, the victims in almost all cases being citizens of different political sentiments from their own or freed persons who had shown a disposition to claim equal rights with other citizens. Thousands of inoffensive and well-disposed citizens were the sufferers by this lawless violence.

* See pp. 4088–4089.



KU KLUX AND RECONSTRUCTION TROUBLES

THE KU KLUX KLAN

"The Ku Klux Klan was a secret organization in several of the Southern States soon after the Civil War. Its object was to suppress the negro as a factor in politics, by means of intimidation and terrorization, and for a time many of the most prominent and respectable citizens of the Southern States belonged to it; but later the more respectable element withdrew and the organization outran its original purpose. In many localities gross disorders and crimes were committed by persons in disguise, who were either members of the Klan or who were using the disguise and methods of the order for evil purposes."

Quoted from the article entitled "Ku Klux Klan" in the encyclopedic index (volume eleven).

The upper panel shows New Orleans, the center of reconstruction troubles at about 1870; the central panel reproduces a daguerreotype of three captured Ku Klux Klansmen in the disguises they wore when apprehended; and the lower panel represents an anti-negro riot in New Orleans, where General Sheridan was stationed with an army.

Thereupon, on the 12th of October, 1871, a proclamation* was issued, in terms of the law, calling upon the members of those combinations to disperse within five days and to deliver to the marshal or military officers of the United States all arms, ammunition, uniforms, disguises, and other means and implements used by them for carrying out their unlawful purposes.

This warning not having been heeded, on the 17th of October another proclamation† was issued, suspending the privileges of the writ of *habeas corpus* in nine counties in that State.

Direction was given that within the counties so designated persons supposed, upon creditable information, to be members of such unlawful combinations should be arrested by the military forces of the United States and delivered to the marshal, to be dealt with according to law. In two of said counties, York and Spartanburg, many arrests have been made. At the last account the number of persons thus arrested was 168. Several hundred, whose criminality was ascertained to be of an inferior degree, were released for the present. These have generally made confessions of their guilt.

Great caution has been exercised in making these arrests, and, notwithstanding the large number, it is believed that no innocent person is now in custody. The prisoners will be held for regular trial in the judicial tribunals of the United States.

As soon as it appeared that the authorities of the United States were about to take vigorous measures to enforce the law, many persons absconded, and there is good ground for supposing that all of such persons have violated the law. A full report of what has been done under this law will be submitted to Congress by the Attorney-General.

In Utah there still remains a remnant of barbarism, repugnant to civilization, to decency, and to the laws of the United States. Territorial officers, however, have been found who are willing to perform their duty in a spirit of equity and with a due sense of the necessity of sustaining the majesty of the law. Neither polygamy nor any other violation of existing statutes will be permitted within the territory of the United States. It is not with the religion of the self-styled Saints that we are now dealing, but with their practices. They will be protected in the worship of God according to the dictates of their consciences, but they will not be permitted to violate the laws under the cloak of religion.

It may be advisable for Congress to consider what, in the execution of the laws against polygamy, is to be the status of plural wives and their offspring. The propriety of Congress passing an enabling act authorizing the Territorial legislature of Utah to legitimize all children born prior to a time fixed in the act might be justified by its humanity to these innocent children. This is a suggestion only, and not a recommendation.

* See pp. 4089–4090. † See pp. 4090–4092.

The policy pursued toward the Indians has resulted favorably, so far as can be judged from the limited time during which it has been in operation. Through the exertions of the various societies of Christians to whom has been intrusted the execution of the policy, and the board of commissioners authorized by the law of April 10, 1869, many tribes of Indians have been induced to settle upon reservations, to cultivate the soil, to perform productive labor of various kinds, and to partially accept civilization. They are being cared for in such a way, it is hoped, as to induce those still pursuing their old habits of life to embrace the only opportunity which is left them to avoid extermination.

I recommend liberal appropriations to carry out the Indian peace policy, not only because it is humane, Christianlike, and economical, but because it is right.

I recommend to your favorable consideration also the policy of granting a Territorial government to the Indians in the Indian Territory west of Arkansas and Missouri and south of Kansas. In doing so every right guaranteed to the Indian by treaty should be secured. Such a course might in time be the means of collecting most of the Indians now between the Missouri and the Pacific and south of the British possessions into one Territory or one State. The Secretary of the Interior has treated upon this subject at length, and I commend to you his suggestions.

I renew my recommendation that the public lands be regarded as a heritage to our children, to be disposed of only as required for occupation and to actual settlers. Those already granted have been in great part disposed of in such a way as to secure access to the balance by the hardy settler who may wish to avail himself of them, but caution should be exercised even in attaining so desirable an object.

Educational interest may well be served by the grant of the proceeds of the sale of public lands to settlers. I do not wish to be understood as recommending in the least degree a curtailment of what is being done by the General Government for the encouragement of education.

The report of the Secretary of the Interior submitted with this will give you all the information collected and prepared for publication in regard to the census taken during the year 1870; the operations of the Bureau of Education for the year; the Patent Office; the Pension Office; the Land Office, and the Indian Bureau.

The report of the Commissioner of Agriculture gives the operations of his Department for the year. As agriculture is the groundwork of our prosperity, too much importance can not be attached to the labors of this Department. It is in the hands of an able head, with able assistants, all zealously devoted to introducing into the agricultural productions of the nation all useful products adapted to any of the various climates and soils of our vast territory, and to giving all useful information as to the method of cultivation, the plants, cereals, and other products adapted to particular localities. Quietly but surely the Agricultural Bureau is

working a great national good, and if liberally supported the more widely its influence will be extended and the less dependent we shall be upon the products of foreign countries.

The subject of compensation to the heads of bureaus and officials holding positions of responsibility, and requiring ability and character to fill properly, is one to which your attention is invited. But few of the officials receive a compensation equal to the respectable support of a family, while their duties are such as to involve millions of interest. In private life services demand compensation equal to the services rendered; a wise economy would dictate the same rule in the Government service.

I have not given the estimates for the support of Government for the ensuing year, nor the comparative statement between the expenditures for the year just passed and the one just preceding, because all these figures are contained in the accompanying reports or in those presented directly to Congress. These estimates have my approval.

More than six years having elapsed since the last hostile gun was fired between the armies then arrayed against each other—one for the perpetuation, the other for the destruction, of the Union—it may well be considered whether it is not now time that the disabilities imposed by the fourteenth amendment should be removed. That amendment does not exclude the ballot, but only imposes the disability to hold offices upon certain classes. When the purity of the ballot is secure, majorities are sure to elect officers reflecting the views of the majority. I do not see the advantage or propriety of excluding men from office merely because they were before the rebellion of standing and character sufficient to be elected to positions requiring them to take oaths to support the Constitution, and admitting to eligibility those entertaining precisely the same views, but of less standing in their communities. It may be said that the former violated an oath, while the latter did not; the latter did not have it in their power to do so. If they had taken this oath, it can not be doubted they would have broken it as did the former class. If there are any great criminals, distinguished above all others for the part they took in opposition to the Government, they might, in the judgment of Congress, be excluded from such an amnesty.

This subject is submitted for your careful consideration.

The condition of the Southern States is, unhappily, not such as all true patriotic citizens would like to see. Social ostracism for opinion's sake, personal violence or threats toward persons entertaining political views opposed to those entertained by the majority of the old citizens, prevents immigration and the flow of much-needed capital into the States lately in rebellion. It will be a happy condition of the country when the old citizens of these States will take an interest in public affairs, promulgate ideas honestly entertain d, vote for men representing their views, and tolerate the same freedom of expression and ballot in those entertaining different political convictions

Under the provisions of the act of Congress approved February 21, 1871, a Territorial government was organized in the District of Columbia. Its results have thus far fully realized the expectations of its advocates. Under the direction of the Territorial officers, a system of improvements has been inaugurated by means of which Washington is rapidly becoming a city worthy of the nation's capital. The citizens of the District having voluntarily taxed themselves to a large amount for the purpose of contributing to the adornment of the seat of Government, I recommend liberal appropriations on the part of Congress, in order that the Government may bear its just share of the expense of carrying out a judicious system of improvements.

By the great fire in Chicago the most important of the Government buildings in that city were consumed. Those burned had already become inadequate to the wants of the Government in that growing city, and, looking to the near future, were totally inadequate. I recommend, therefore, that an appropriation be made immediately to purchase the remainder of the square on which the burned buildings stood, provided it can be purchased at a fair valuation, or provided that the legislature of Illinois will pass a law authorizing its condemnation for Government purposes; and also an appropriation of as much money as can properly be expended toward the erection of new buildings during this fiscal year.

The number of immigrants ignorant of our laws, habits, etc., coming into our country annually has become so great and the impositions practiced upon them so numerous and flagrant that I suggest Congressional action for their protection. It seems to me a fair subject of legislation by Congress. I can not now state as fully as I desire the nature of the complaints made by immigrants of the treatment they receive, but will endeavor to do so during the session of Congress, particularly if the subject should receive your attention.

It has been the aim of the Administration to enforce honesty and efficiency in all public offices. Every public servant who has violated the trust placed in him has been proceeded against with all the rigor of the law. If bad men have secured places, it has been the fault of the system established by law and custom for making appointments, or the fault of those who recommend for Government positions persons not sufficiently well known to them personally, or who give letters indorsing the characters of office seekers without a proper sense of the grave responsibility which such a course devolves upon them. A civil-service reform which can correct this abuse is much desired. In mercantile pursuits the business man who gives a letter of recommendation to a friend to enable him to obtain credit from a stranger is regarded as morally responsible for the integrity of his friend and his ability to meet his obligations. A reformatory law which would enforce this principle against all indorsers of persons for public place would insure great caution in making recommendations. A salutary lesson has been taught the careless and the dishonest public servant

in the great number of prosecutions and convictions of the last two years.

It is gratifying to notice the favorable change which is taking place throughout the country in bringing to punishment those who have proven recreant to the trusts confided to them and in elevating to public office none but those who possess the confidence of the honest and the virtuous, who, it will always be found, comprise the majority of the community in which they live.

In my message to Congress one year ago I urgently recommended a reform in the civil service of the country. In conformity with that recommendation Congress, in the ninth section of "An act making appropriations for sundry civil expenses of the Government, and for other purposes," approved March 3, 1871, gave the necessary authority to the Executive to inaugurate a civil-service reform, and placed upon him the responsibility of doing so. Under the authority of said act I convened a board of gentlemen eminently qualified for the work to devise rules and regulations to effect the needed reform. Their labors are not yet complete, but it is believed that they will succeed in devising a plan that can be adopted to the great relief of the Executive, the heads of Departments, and members of Congress, and which will redound to the true interest of the public service. At all events, the experiment shall have a fair trial.

I have thus hastily summed up the operations of the Government during the last year, and made such suggestions as occur to me to be proper for your consideration. I submit them with a confidence that your combined action will be wise, statesmanlike, and in the best interests of the whole country.

U. S. GRANT.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 4, 1871.*

To the House of Representatives:

In compliance with section 2 of the act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, approved July 11, 1870, I herewith transmit the names and reports of and the amounts paid to consular agents of the United States.

U. S. GRANT.

WASHINGTON, *December 4, 1871.*

To the Senate and House of Representatives:

I transmit herewith to Congress a report, dated November 8, 1871, received from the Secretary of State, in compliance with the requirement

of the act of March 3, 1871, making appropriations, among other things, for the increase of expenses and compensation of certain diplomatic and consular officers of the United States on account of the late war between France and Prussia. The expenditures therein mentioned have been made on my approval.

U. S. GRANT.

WASHINGTON, *December 4, 1871.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 4th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December 5, 1871.*

To the Senate and House of Representatives:

In pursuance of the provisions of the second section of the act approved June 20, 1864, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1865, and for other purposes," I inform Congress that William Heine, a consular clerk, was on the 30th of August last removed from office for the following cause, viz: Insubordination, disobedience of orders, and disrespectful conduct toward his superiors.

U. S. GRANT.

WASHINGTON, *December 6, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 5th instant, a report from the Secretary of State, with accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *December 19, 1871.*

To the Senate and House of Representatives:

In accordance with the act of Congress approved March 3, 1871, I convened a commission of eminent gentlemen to devise rules and regulations for the purpose of reforming the civil service. Their labors are

* Report of fees collected, etc., by consular officers of the United States for 1870, and tariff of consular fees prescribed by the President October 1, 1870.

† Correspondence relative to the retirement of Constantin de Catacazy, minister from Russia to the United States.

now completed, and I transmit herewith their report,* together with the rules which they recommend for my action. These rules have been adopted and will go into effect on the 1st day of January, 1872.

Under the law referred to, as I interpret it, the authority is already invested in the Executive to enforce these regulations, with full power to abridge, alter, or amend them, at his option, when changes may be deemed advisable.

These views, together with the report of the commissioners, are submitted for your careful consideration as to whether further legislation may be necessary in order to carry out an effective and beneficial civil-service reform. If left to me, without further Congressional action, the rules prescribed by the commission, under the reservation already mentioned, will be faithfully executed; but they are not binding, without further legislation, upon my successors.

Being desirous of bringing this subject to the attention of Congress before the approaching recess, I have not time to sufficiently examine the accompanying report to enable me to suggest definite legislative action to insure the support which may be necessary in order to give a thorough trial to a policy long needed.

I ask for all the strength which Congress can give me to enable me to carry out the reforms in the civil service recommended by the commission, and adopted to take effect, as before stated, on January 1, 1872.

The law which provides for the convening of a commission to devise rules and regulations for reforming the civil service authorizes, I think, the permanent organization of a primary board under whose general direction all examinations of applicants for public office shall be conducted. There is no appropriation to continue such a board beyond the termination of its present labors. I therefore recommend that a proper appropriation be made to continue the services of the present board for another year, and in view of the fact that three members of the board hold positions in the public service, which precludes them from receiving extra compensation, under existing laws, that they be authorized to receive a fair compensation for extra services rendered by them in the performance of this duty.

U. S. GRANT.

RULES FOR THE CIVIL SERVICE.

1. No person shall be admitted to any position in the civil service within the appointment of the President or the heads of Departments who is not a citizen of the United States; who shall not have furnished satisfactory evidence in regard to character, health, and age, and who shall not have passed a satisfactory examination in speaking, reading, and writing the English language.

2. An advisory board of suitable persons, to be employed by the President under the ninth section of the act of March 3, 1871, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1872,

*Omitted.

and for other purposes," shall, so far as practicable, group the positions in each branch of the civil service according to the character of the duties to be performed, and shall grade each group from lowest to highest for the purpose of promotion within the group. Admission to the civil service shall always be to the lowest grade of any group; and to such positions as can not be grouped or graded admission shall be determined as provided for the lowest grade.

3. A vacancy occurring in the lowest grade of any group of offices shall be filled, after due public notice, from all applicants who shall present themselves, and who shall have furnished the evidence and satisfied the preliminary examination already mentioned, and who shall have passed a public competitive examination to test knowledge, ability, and special qualifications for the performance of the duties of the office. The board conducting such competitive examination shall prepare, under the supervision of the Advisory Board, a list of the names of the applicants in the order of their excellence as proved by such examination, beginning with the highest, and shall then certify to the nominating or appointing power, as the case may be, the names standing at the head of such list, not exceeding three, and from the names thus certified the appointment shall be made.

4. A vacancy occurring in any grade of a group of offices above the lowest shall be filled by a competitive examination of applicants from the other grades of that group, and the list of names from which the appointment is to be made shall be prepared and certified as provided in the preceding rule; but if no such applicants are found competent the appointment shall be made upon an examination of all applicants, conducted in accordance with the provisions for admission to the lowest grade.

5. Applicants certified as otherwise qualified for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and such other custodians of large sums of money as may hereafter be designated by the Advisory Board, and for whose pecuniary fidelity another officer is responsible, shall, nevertheless, not be appointed except with the approval of such other officer.

6. Postmasters whose annual salary is less than $200 may be appointed upon the written request of applicants, with such evidence of character and fitness as shall be satisfactory to the head of the Department.

7. The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President by and with the advice and consent of the Senate, postmasters, and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such persons shall be tested; and if at the end of said probationary term satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the Department in which they shall have been employed during said term, they shall be reappointed.

8. The President will designate three persons in each Department of the public service to serve as a board of examiners, which, under the supervision of the Advisory Board and under regulations to be prescribed by it, and at such times and places as it may determine, shall conduct, personally or by persons approved by the Advisory Board, all investigations and examinations for admission into said Departments or for promotion therein.

9. Any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

10. Nothing in these rules shall prevent the appointment of aliens to positions in the consular service which by reason of small compensation or of other sufficient cause are, in the judgment of the appointing power, necessarily so filled, nor the appointment of such persons within the United States as are indispensable to a proper

discharge of the duties of certain positions, but who may not be familiar with the English language or legally capable of naturalization.

11. No head of a Department nor any subordinate officer of the Government shall, as such officer, authorize or permit or assist in levying any assessment of money for political purposes, under the form of voluntary contributions or otherwise, upon any person employed under his control, nor shall any such person pay any money so assessed.

12. The Advisory Board shall at any time recommend to the President such changes in these rules as it may consider necessary to secure the greater efficiency of the civil service.

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, and First Assistant Postmaster-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, examiner of claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of the Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.

EXECUTIVE MANSION, *December 20, 1871.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 6th instant, requesting information in regard to certain measures with reference to the Spanish West Indies, I transmit reports from the Secretary of State and of the Navy, with the documents by which they were accompanied.

U. S. GRANT.

WASHINGTON, *January 8, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 6th of December, requesting to be informed if any further action is necessary by Congress to secure the immediate temporary preservation of the archives or public records now in the State Department, I transmit a report and accompanying papers from the Secretary of State.

U. S. GRANT.

WASHINGTON, *January 9, 1872.*

To the Senate:

In answer to the resolution of the Senate of the 19th of December last, calling for certain correspondence relating to the subject of international coinage not heretofore furnished, I transmit herewith a report from the Secretary of State, with the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *January 15, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the Emperor of Austria-Hungary, relative to the protection of trade-marks.

U. S. GRANT.

WASHINGTON, *January 15, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the Emperor of Germany, relative to the rights, privileges, and duties of consuls and to the protection of trade-marks, signed at Berlin on the 11th ultimo.

A copy of the dispatch of the 11th ultimo from Mr. Bancroft, which accompanied the convention, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *January 16, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th of May last, calling for papers, correspondence, and information relating to the case of the ship *Hudson* and schooner *Washington*,* I transmit reports from the Secretaries of State and of the Navy and the papers by which they were accompanied.

U. S. GRANT.

WASHINGTON, *January 30, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th instant, calling for certain correspondence relating to the release of the Fenian prisoner William G. Halpine, I transmit herewith a report of the Secretary of State.

U. S. GRANT.

WASHINGTON, *February 2, 1872.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.†

U. S. GRANT.

*Seized by British authorities at the Falkland Islands in 1854.

† Correspondence relative to the seizure and detention of the American steamers *Hero*, *Dudley Buck*, *Nutrias*, and *San Fernando*, property of the Venezuela Steam Transportation Company, and the virtual imprisonment of the officers of those vessels.

WASHINGTON, *February 13, 1872.*

To the Senate of the United States:

In answer to the resolution adopted by the Senate on the 19th of December last, relative to questions with Spain growing out of affairs in Cuba and to instructions to our naval commanders in Cuban waters, I transmit reports from the Secretaries of State and of the Navy.

U. S. GRANT.

WASHINGTON, *February 13, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, I transmit a report from the Secretary of State and the copy of the case of the United States presented to the tribunal of arbitration at Geneva, which accompanied it.

U. S. GRANT.

WASHINGTON, *February 23, 1872.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate, a preliminary report of Dr. E. C. Wines, appointed under a joint resolution of Congress of the 7th of March, 1871, as commissioner of the United States to the international congress on the prevention and repression of crime, including penal and reformatory treatment.

U. S. GRANT.

WASHINGTON, *March 11, 1872.*

To the House of Representatives:

I transmit herewith a report,* dated the 5th instant, received from the Secretary of State, in compliance with the resolution of the House of Representatives of the 28th of February ultimo.

U. S. GRANT.

EXECUTIVE MANSION, *March 15, 1872.*

To the Senate and House of Representatives:

I have the honor herewith to transmit to Congress a recommendation from Hon. M. D. Leggett, Commissioner of Patents, for the reorganization of his office, and also the letter of the Secretary of the Interior accompanying it.

I concur with the Secretary of the Interior in the views expressed in his letter, and recommend the careful consideration of Congress to the subject of this communication, and action which will secure a more efficient performance of the duties of the Patent Office than is practicable under present legislation.

U. S. GRANT.

* Relative to the number of consular and commercial agents of the United States abroad who speak or write the language of the country in which their districts are situated.

WASHINGTON, *March 16, 1872.*

To the House of Representatives:

I transmit herewith a report,* dated the 16th instant, received from the Secretary of State, in compliance with the resolution of the House of Representatives of the 7th instant.

U. S. GRANT.

WASHINGTON, *March 19, 1872.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a "general convention of friendship, commerce, and extradition" between the United States and the Orange Free State, signed at Bloemfontein on the 22d of December last by W. W. Edgcomb, consul of the United States at Cape Town, acting on behalf of this Government, and by Mr. F. K. Höhne on behalf of the Orange Free State.

U. S. GRANT.

WASHINGTON, *March 20, 1872.*

To the House of Representatives:

I transmit herewith a report,† dated the 20th instant, received from the Secretary of State, to whom was referred the resolution of the House of Representatives of the 28th ultimo.

U. S. GRANT.

WASHINGTON, *March 23, 1872.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 20th instant, I transmit a report from the Secretary of State, with a list of the newspapers ‡ which accompanied it.

U. S. GRANT.

WASHINGTON, *March 28, 1872.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 19th instant, a report of the Secretary of State and the papers § which accompany the same.

U. S. GRANT.

*Stating that there are no papers in the Department of State to show that the inhabitants of the Navigators Islands, in the Pacific Ocean, have made application to have the protection of the United States extended over said islands.

†Transmitting a translation of the Spanish royal decree of July 6, 1860, prescribing regulations for the introduction of Chinese laborers into Cuba, and translation of a decree of Count Valmaseda, Captain-General of Cuba, of December 13, 1871, relative to the decree of July 6, 1860.

‡ Selected to publish the laws of the United States for the second session of the Forty-second Congress.

§ Correspondence relative to the imprisonment by Spanish authorities of Dr. J. E. Houard, a citizen of the United States, charged with complicity in the insurrection in Cuba.

WASHINGTON, *April 2, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 18th of January last, relating to British light-house dues, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

U. S. GRANT.

WASHINGTON, *April 4, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th of January last, I transmit herewith a report* of the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *April 19, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of January last, I have the honor to submit the following, accompanied by the report of the Attorney-General, to whom the resolution was referred:

Representations having been made to me that in certain portions of South Carolina a condition of lawlessness and terror existed, I requested the then Attorney-General (Akerman) to visit that State, and after personal examination to report to me the facts in relation to the subject. On the 16th of October last he addressed me a communication from South Carolina, in which he stated that in the counties of Spartanburg, York, Chester, Union, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield there were combinations for the purpose of preventing the free political action of citizens who were friendly to the Constitution and the Government of the United States, and of depriving emancipated classes of the equal protection of the laws.

"These combinations embrace at least two-thirds of the active white men of those counties, and have the sympathy and countenance of a majority of the one-third. They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the Southern States. The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before civil magistrates.

"They are organized and armed. They effect their objects by personal violence, often extending to murder. They terrify witnesses; they control juries in the State courts, and sometimes in the courts of the United States. Systematic perjury is one of the means by which prosecutions of the members are defeated. From information given by officers

*Stating that the report of Richard D. Cutts on the marketable products of the sea was transmitted with the message of President Johnson of February 17, 1869.

of the State and of the United States and by credible private citizens I am justified in affirming that the instances of criminal violence perpetrated by these combinations within the last twelve months in the above-named counties could be reckoned by thousands."

I received information of a similar import from various other sources, among which were the Joint Select Committee of Congress upon Southern Outrages, the officers of the State, the military officers of the United States on duty in South Carolina, the United States attorney and marshal, and other civil officers of the Government, repentant and abjuring members of those unlawful organizations, persons specially employed by the Department of Justice to detect crimes against the United States, and from other credible persons.

Most, if not all, of this information, except what I derived from the Attorney-General, came to me orally, and was to the effect that said counties were under the sway of powerful combinations, properly known as "Kuklux Klans," the objects of which were by force and terror to prevent all political action not in accord with the views of the members; to deprive colored citizens of the right to bear arms and of the right to a free ballot; to suppress schools in which colored children were taught, and to reduce the colored people to a condition closely akin to that of slavery; that these combinations were organized and armed, and had rendered the local laws ineffectual to protect the classes whom they desired to oppress; that they had perpetrated many murders and hundreds of crimes of minor degree, all of which were unpunished; and that witnesses could not safely testify against them unless the more active members were placed under restraint.

U. S. GRANT.

WASHINGTON, *April 20, 1872.*

To the House of Representatives:

I transmit, for the information of the House of Representatives, a report from the Secretary of State and the copy of the counter case of the United States in the matter of the claims against Great Britain, as presented to the board of arbitration at Geneva, which accompanies it.

U. S. GRANT.

[The same message was sent to the Senate.]

WASHINGTON, *April 24, 1872.*

To the House of Representatives of the United States:

In answer to a resolution of the 22d instant, I transmit to the House of Representatives a report from the Secretary of State, with the British case* and papers which accompanied it.

U. S. GRANT.

* Presented to the board of arbitration at Geneva.

To the House of Representatives:

In answer to a resolution of the House of Representatives of yester day, I transmit a report of the Secretary of State and copies of the British counter case,* and the volumes of appendixes to the British case which accompany it.

U. S. GRANT.

APRIL 29, 1872.

EXECUTIVE MANSION, *April 30, 1872.*

To the Senate and House of Representatives:

I have the honor to transmit herewith the annual report of the board of public works of the District of Columbia, submitted to me for that purpose by the governor of the Territory in accordance with section 37 of "An act to provide a government for the District of Columbia," approved February 21, 1871.

U. S. GRANT.

WASHINGTON, D. C., *May 7, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th of March last, I transmit herewith a report of the Secretary of State and the papers† which accompanied it.

U. S. GRANT.

WASHINGTON, *May 7, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, a convention between the United States and the Republic of Ecuador for the purpose of regulating the citizenship of persons who emigrate from the one country to the other, which instrument was signed in this city on the 6th instant.

U. S. GRANT.

WASHINGTON, *May 7, 1872.*

To the Senate of the United States:

I herewith communicate to the Senate a report from the Acting Secretary of the Interior of this date, in answer to the resolution of that body adopted on the 23d ultimo, calling for information relative to the recent affray at the court-house in Going Snake district, Indian Territory.

In view of the feeling of hostility which exists between the Cherokees and the United States authorities of the western district of Arkansas, it seems to be necessary that Congress should adopt such measures as will tend to allay that feeling and at the same time secure the enforcement of the laws in that Territory.

*Presented to the board of arbitration at Geneva.

†Correspondence relative to the claim of the owners of the steamer *Aroostook* for compensation for the use of that vessel in searching for bodies and property lost in the United States steamer *Oneida*, wrecked in the Bay of Yedo in 1870.

I therefore concur with the Acting Secretary of the Interior in suggesting the adoption of a pending bill for the erection of a judicial district within the Indian Territory, as a measure which will afford the most immediate remedy for the existing troubles.

U. S. GRANT.

[A similar message, dated May 10, was sent to the House of Representatives, in answer to a resolution of that body of April 29.]

WASHINGTON, *May 13, 1872.*

To the Senate of the United States:

I transmit herewith the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871.

I respectfully invite the attention of the Senate to the proposed article submitted by the British Government with the object of removing the differences which seem to threaten the prosecution of the arbitration, and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government.

The Senate is aware that the consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic General Washington repeatedly asked their advice upon pending questions with such powers. The most important recent precedent is that of the Oregon boundary treaty, in 1846.

The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain.

U. S. GRANT.

EXECUTIVE MANSION, *May 14, 1872.*

To the Senate and House of Representatives of the United States:

In my message to Congress at the beginning of its present session allusion was made to the hardships and privations inflicted upon poor immigrants on shipboard and upon arrival on our shores, and a suggestion was made favoring national legislation for the purpose of effecting a radical cure of the evil.

Promise was made that a special message on this subject would be presented during the present session should information be received which would warrant it. I now transmit to the two Houses of Congress all that has been officially received since that time bearing upon the subject, and recommend that such legislation be had as will secure, first,

such room and accommodation on shipboard as is necessary for health and comfort, and such privacy and protection as not to compel immigrants to be the unwilling witnesses to so much vice and misery; and, second, legislation to protect them upon their arrival at our seaports from the knaves who are ever ready to despoil them of the little all which they are able to bring with them. Such legislation will be in the interests of humanity, and seems to be fully justifiable. The immigrant is not a citizen of any State or Territory upon his arrival, but comes here to become a citizen of a great Republic, free to change his residence at will, to enjoy the blessings of a protecting Government, where all are equal before the law, and to add to the national wealth by his industry.

On his arrival he does not know States or corporations, but confides implicitly in the protecting arm of the great, free country of which he has heard so much before leaving his native land. It is a source of serious disappointment and discouragement to those who start with means sufficient to support them comfortably until they can choose a residence and begin employment for a comfortable support to find themselves subject to ill treatment and every discomfort on their passage here, and at the end of their journey seized upon by professed friends, claiming legal right to take charge of them for their protection, who do not leave them until all their resources are exhausted, when they are abandoned in a strange land, surrounded by strangers, without employment and ignorant of the means of securing it. Under the present system this is the fate of thousands annually, the exposures on shipboard and the treatment on landing driving thousands to lives of vice and shame who, with proper humane treatment, might become useful and respectable members of society.

I do not advise national legislation in affairs that should be regulated by the States; but I see no subject more national in its character than provision for the safety and welfare of the thousands who leave foreign lands to become citizens of this Republic.

When their residence is chosen, they may then look to the laws of their locality for protection and guidance.

The mass of immigrants arriving upon our shores, coming, as they do, on vessels under foreign flags, makes treaties with the nations furnishing these immigrants necessary for their complete protection. For more than two years efforts have been made on our part to secure such treaties, and there is now reasonable ground to hope for success.

U. S. GRANT.

WASHINGTON, *May 14, 1872.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 28th of March last, I transmit herewith copies of the correspondence between the Department

of State and the consul of the United States at Bucharest relative to the persecution and oppression of the Israelites in the Principality of Roumania.

U. S. GRANT.

WASHINGTON, *May 15, 1872.*

To the House of Representatives:

I transmit herewith, for the information of the House of Representatives, the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871, and which has led to certain negotiations, still pending, between the two Governments.

U. S. GRANT.

WASHINGTON, *May 17, 1872.*

To the Senate of the United States:

I herewith transmit to the Senate a communication of this date from the Acting Secretary of the Interior, and the papers therein described, containing information* called for in the Senate resolution of the 23d ultimo, which was answered in part on the 8th [7th] instant.

U. S. GRANT.

WASHINGTON, *May 21, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th instant, requesting information in regard to the commerce between the United States and certain British colonial possessions, I transmit a report from the Secretary of State and the documents by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 22, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 20th instant, requesting me to join the Italian Government in a protest against the intolerant and cruel treatment of the Jews in Roumania, I transmit a report from the Secretary of State relative to the subject.

U. S. GRANT.

WASHINGTON, *May 22, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration, an agreement between the Great Chief of the island of Tutuila, one of the Samoan group, in the

*Relating to acts of United States marshals and deputy marshals in that portion of the western district of Arkansas comprising the Indian country.

South Pacific, and Commander R. W. Meade, commanding the United States steamer *Narragansett*, bearing date the 17th of February last. This instrument proposes to confer upon this Government the exclusive privilege of establishing a naval station in the dominions of that chief for the equivalent of protecting those dominions.

A copy of a letter of the 15th instant, and of its accompaniment, addressed by the Secretary of the Navy to the Secretary of State, descriptive of Tutuila and of other islands of the group, and of a letter in the nature of a protest from a person claiming to be consul of the North German Confederation in that quarter, are also herewith transmitted. No report has yet been received from Commander Meade on the subject. Although he was without special instructions or authority to enter into such agreement, the advantages of the concession which it proposes to make are so great, in view of the advantageous position of Tutuila, especially as a coaling station for steamers between San Francisco and Australia, that I should not hesitate to recommend its approval but for the protection on the part of the United States which it seems to imply. With some modification of the obligation of protection which the agreement imports, it is recommended to the favorable consideration of the Senate.

U. S. GRANT.

EXECUTIVE MANSION, *May 23, 1872.*

To the Senate of the United States:

I have the honor to transmit herewith, in answer to the resolution of the Senate of March 12, requesting to be informed of "the amount of money expended by the Government of the United States during the last three years for telegraphing by ocean cables," reports from the different Departments of the Government. to which the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *May 24, 1872.*

To the Senate and House of Representatives:

In compliance with section 2 of the act approved July 11, 1870, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes," I have the honor to transmit herewith the report of D. B. R. Keim, agent to examine consular affairs.

U. S. GRANT.

EXECUTIVE MANSION, *May 28, 1872.*

To the House of Representatives:

In further answer to the resolution of the 14th instant of the House of Representatives, wherein information in regard to commerce between

the United States and certain British colonial possessions is requested, I transmit a report from the Postmaster-General and the document by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 28, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, requesting copies of correspondence in regard to an extradition treaty with Belgium, I transmit a report from the Secretary of State and the documents by which it was accompanied.

U. S. GRANT.

EXECUTIVE MANSION, *May 31, 1872.*

To the Senate and House of Representatives:

I have the honor to respectfully call the attention of Congress to an act approved July 14, 1870, directing the Secretary of War to place at the disposal of the President certain bronze ordnance, to aid in the erection of an equestrian statue of the late General John A. Rawlins, and to the facts that no appropriation of money to pay for the statue is made by the resolution and no artist is named or party designated to whom the ordnance is to be delivered. In view of the ambiguity of the statute, I would recommend that Congress signify what action is desired as to the selection of the artist, and that the necessary sum required for the erection of the monument be appropriated. A board of officers should also be named to designate the location of the monument.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *March 28, 1872.*

To the House of Representatives:

I herewith return, for the further consideration of Congress, without my approval, House bill No. 1550, "An act for the relief of the estate of Dr. John F. Hanks," for the reason that the records of the Treasury Department show that the current moneys taken by Colonel S. B. Holabird from the Louisiana State Bank of New Orleans in the month of August, 1862, were accounted for by that officer to the Treasury Department, and the names of the depositors given, and that the name of Dr. John F. Hanks does not appear among them.

It also appears from the records of the Treasury Department that among the effects taken from the Louisiana State Bank of New Orleans was the sum of $1,729 of Confederate money, and that the said sum stood upon the books of said bank to the credit of J. F. Hanks. It is but justice,

however, to the executors of the estate of Dr. Hanks to state that there is every reason to believe that the money deposited by Dr. Hanks in the Louisiana State Bank was in current funds, and that when application was made to Congress for the recovery of the same they believed, and had evidence to satisfy them, that such funds had found their way into the Treasury of the United States. There has unquestionably been a mistake made, either by the officers of the Louisiana State Bank or the persons engaged in removing the funds of that bank, by which the estate of Dr. Hanks is loser to the amount of relief afforded by House bill No. 1550.

Accompanying this I send the statement furnished by the Secretary of the Treasury of the funds covered into his Department, and accounted for through it, arising from the seizure of funds of the Louisiana State Bank of New Orleans in the month of August, 1862.

U. S. GRANT.

EXECUTIVE MANSION, *April 1, 1872.*

To the House of Representatives:

I return herewith, for the further consideration of Congress, House bill No. 1867, "An act for the relief of James T. Johnston," without my approval, for the reason that the records of the Treasury Department show that the lot sold in the name of J. T. Johnston, situate on Prince street, Alexandria, Va., for taxes due the United States, is numbered 162, instead of 163, as represented in this bill. With the exception of this discrepancy in the number of the lot there is no reason why the bill should not receive my approval.

U. S. GRANT.

WASHINGTON, *April 10, 1872.*

To the House of Representatives:

I have received and taken into consideration the bill entitled "An act for the relief of the children of John M. Baker, deceased," and, pursuant to the duty required of me by the Constitution, I return the same with my objections to the House of Representatives, in which it originated.

The bill proposes to pay a sum of money to the children of John M. Baker, deceased, late United States consul at Rio Janeiro, for services of that person as acting chargé d'affaires of the United States in the year 1834. So far as it can be ascertained it is apprehended that the bill may have received the sanction of Congress through some inadvertence, for upon inquiry at the proper Department it appears that Mr. Baker never did act as chargé d'affaires of the United States at Rio Janeiro, and that he was not authorized so to act, but, on the contrary, was expressly forbidden to enter into diplomatic correspondence with the Government of Brazil.

The letter of the 8th of February, 1854, a copy of which is annexed, addressed by William L. Marcy, then Secretary of State, to James M.

Mason, chairman of the Committee on Foreign Relations of the Senate, specifies objections to the claim, which it is believed have not since diminished, and in which I fully concur.

U. S. GRANT.

EXECUTIVE MANSION, *April 15, 1872.*

To the Senate of the United States:

I return without my approval an act entitled "An act granting a pension to Abigail Ryan, widow of Thomas A. Ryan." The name of Mrs. Ryan is now borne upon the pension rolls, pursuant to an act of Congress entitled "An act for the relief of Mrs. Abigail Ryan," approved June 15, 1866 (14 U. S. Statutes at Large, p. 590).

U. S. GRANT.

EXECUTIVE MANSION, *April 22, 1872.*

To the House of Representatives:

I return herewith House resolution No. 622, entitled "An act granting a pension to Richard B. Crawford," without my approval, for the reason that said Crawford is now drawing a pension as a private soldier, the wound on account of which he was pensioned having been received before his promotion to a lieutenancy.

U. S. GRANT.

EXECUTIVE MANSION, *May 14, 1872.*

To the Senate of the United States:

I have the honor to return herewith the bill (S. 955) entitled "An act granting a pension to Mary Ann Montgomery, widow of William W. Montgomery, late captain in Texas Volunteers," without my approval, inasmuch as the concluding phrase, "and in respect to her minor children under 16 years of age," has obviously no meaning whatsoever. If it were the intention of the framer of the bill that the pension thereby granted should revert to said minor children upon the remarriage or death of the widow, the phrase referred to should read as follows: "And in the event of her remarriage or death, to her minor children under 16 years of age." I therefore return the bill for proper action.

U. S. GRANT.

WASHINGTON, *June 1, 1872.*

To the Senate of the United States:

I have examined the bill entitled "An act for the relief of J. Milton Best," and, being unable to give it my approval, return the same to the Senate, the House in which it originated, without my signature.

The bill appropriates the sum of $25,000 to compensate Dr. J. Milton Best for the destruction of his dwelling house and its contents by order

of the commanding officer of the United States military forces at Paducah, Ky., on the 26th day of March, 1864. It appears that this house was one of a considerable number destroyed for the purpose of giving open range to the guns of a United States fort. On the day preceding the destruction the houses had been used as a cover for rebel troops attacking the fort, and, apprehending a renewal of the attack, the commanding officer caused the destruction of the houses. This, then, is a claim for compensation on account of the ravages of war. It can not be denied that the payment of this claim would invite the presentation of demands for very large sums of money; and such is the supposed magnitude of the claims that may be made against the Government for necessary and unavoidable destruction of property by the Army that I deem it proper to return this bill for reconsideration.

It is a general principle of both international and municipal law that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in this latter case governments do not admit a legal obligation on their part to compensate the owner. The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle. If a government makes compensation under such circumstances, it is a matter of bounty rather than of strict legal right.

If it be deemed proper to make compensation for such losses, I suggest for the consideration of Congress whether it would not be better, by general legislation, to provide some means for the ascertainment of the damage in all similar cases, and thus save to claimants the expense, inconvenience, and delay of attendance upon Congress, and at the same time save the Government from the danger of having imposed upon it fictitious or exaggerated claims supported wholly by *ex parte* proof. If the claimant in this case ought to be paid, so ought all others similarly situated; and that there are many such can not be doubted. Besides, there are strong reasons for believing that the amount of damage in this case has been greatly overestimated. If this be true, it furnishes an illustration of the danger of trusting entirely to *ex parte* testimony in such matters.

U. S. GRANT.

EXECUTIVE MANSION, *June 7, 1872.*

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 569, an act entitled "An act for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri," without my approval.

This claim, for which $11,250 are appropriated by this bill, is of the same nature and character as the claim of Dr. J. Milton Best, which was returned to the Senate on the 1st instant without my signature.

The same reasons which prompted the return of that bill for reconsideration apply in this case, which also is a claim for compensation on account of the ravages of war, and comes under the same general principle of both international and municipal law, that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in the latter case governments do not admit a legal obligation on their part to compensate the owner.

The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle, and if a government makes compensation under such circumstances it is a matter of bounty rather than of strict legal right. If it be deemed proper to make compensation for such losses, I renew my recommendation that provision be made by general legislation for all similar cases.

U. S. GRANT.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas satisfactory information has been received by me, through Don Mauricio Lopez Roberts, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, that the Government of that country has abolished discriminating duties heretofore imposed on merchandise imported from all other countries, excepting the islands of Cuba and Porto Rico, into Spain and the adjacent islands in vessels of the United States, said abolition to take effect from and after the 1st day of January next:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after the said 1st day of January next, so long as merchandise imported from any other country, excepting the islands of Cuba and Porto Rico, into the ports of Spain and the islands adjacent thereto in vessels belonging to citizens of the United States shall be exempt from discriminating duties,

any such duties on merchandise imported into the United States in Spanish vessels, excepting from the islands of Cuba and Porto Rico, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of December, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, 1864, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation; and

Whereas due inquiry having been made and a satisfactory answer having been received that similar provisions are in force in the United Kingdoms of Sweden and Norway:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this 11th day of May, A. D. 1872, and of the Independence of the United States of America the ninety-sixth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen,

and mechanics employed by or on behalf of the Government of the United States; and

Whereas on the 19th day of May, A. D. 1869, by Executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor; and

Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of May, A. D. 1872, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved May 22, 1872, removes all political disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States from all persons whomsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses and officers in the judicial, military, and naval service of the United States, heads of Departments, and foreign ministers of the United States; and

Whereas it is represented to me that there are now pending in the several circuit and district courts of the United States proceedings by *quo warranto* under the fourteenth section of the act of Congress approved May 31, 1870, to remove from office certain persons who are alleged to hold said offices in violation of the provisions of said article of amendment to the Constitution of the United States, and also penal prosecutions

against such persons under the fifteenth section of the act of Congress aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct all district attorneys having charge of such proceedings and prosecutions to dismiss and discontinue the same, except as to persons who may be embraced in the exceptions named in the act of Congress first above cited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of June, A. D. 1872, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received by me from His Majesty the Emperor of Japan, through an official communication of Mr. Arinori Mori, His Majesty's chargé d'affaires, under date of the 2d instant, that no other or higher duties of tonnage or impost are imposed or levied in the ports of the Empire of Japan upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country than are levied on Japanese ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 24th day of May, 1828, do hereby declare and proclaim that from and after the said 2d instant, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Japanese vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 4th day of September, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

CHARLES HALE,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the revolution of another year has again brought the time when it is usual to look back upon the past and publicly to thank the Almighty for His mercies and His blessings; and

Whereas if any one people has more occasion than another for such thankfulness it is the citizens of the United States, whose Government is their creature, subject to their behests; who have reserved to themselves ample civil and religious freedom and equality before the law; who during the last twelvemonth have enjoyed exemption from any grievous or general calamity, and to whom prosperity in agriculture, manufactures, and commerce has been vouchsafed:

Now, therefore, by these considerations, I recommend that on Thursday, the 28th day of November next, the people meet in their respective places of worship and there make their acknowledgments to God for His kindness and bounty.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas upon information received by me from His Majesty the Emperor of the French that discriminating duties before the date of said information levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States were discontinued and abolished, and in pursuance of the provisions of an act of Congress of the 7th of January, 1824, and of an act in addition thereto of the 24th of May, 1828, I did, on the 12th day of June, 1869, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels were thereby discontinued and abolished; and

Whereas upon information subsequently received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the country of its origin or from other countries, had been discontinued, I did, on the 20th of November, 1869,

*See pp. 3969-3970.

in pursuance of the provisions of the said acts of Congress and by the authority in me vested thereby, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, were thereby discontinued and abolished; and

Whereas by the provisions of the said acts of Congress of January 7, 1824, and of the 24th of May, 1828, as well as by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, the said suspension of discriminating duties upon merchandise imported into the United States in French vessels was granted by the United States on condition that, and to continue so long as, merchandise imported into France in vessels of the United States should be admitted into the ports of France on the same terms of exemption from the payment of such discriminating duties; and

Whereas information has been received by me that by a law of the French Republic passed on the 30th of January, 1872, and published on the 3d of February, 1872, merchandise imported into France in vessels of the United States from countries other than the United States is (with the exception of certain articles enumerated in said law) subjected to discriminating duties; and

Whereas by the operation of said law of the French Republic of the 30th of January, 1872, the exemption of French vessels and their cargoes granted by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, in accordance with the provisions of the acts of Congress aforesaid, has ceased to be reciprocal on the part of France toward vessels owned by citizens of the United States and their cargoes:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date the said suspension of the collection of discriminating duties upon merchandise imported into the United States in French vessels from countries other than France, provided for by my said proclamations of the 12th day of June, 1869, and the 20th day of November, 1869, shall cease and determine, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived, and shall henceforth be and remain in full force as relates to goods and merchandise imported into the United States in French vessels from countries other than France, so long as any discriminating duties shall continue to be imposed by France upon goods and merchandise imported into France in vessels of the United States from countries other than the United States.

* See p. 3973.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS

WASHINGTON, *April 16, 1872.*

The Advisory Board of the civil service, having completed the grouping contemplated by the rules already adopted, have recommended certain provisions for carrying the rules into effect.

The recommendations as herewith published are approved, and the provisions will be enforced as rapidly as the proper arrangements can be made; and the thirteenth of the rules adopted on the 19th day of December last is amended to read as published herewith.

The utmost fidelity and diligence will be expected of all officers in every branch of the public service. Political assessments, as they are called, have been forbidden within the various Departments; and while the right of all persons in official position to take part in politics is acknowledged, and the elective franchise is recognized as a high trust to be discharged by all entitled to its exercise, whether in the employment of the Government or in private life, honesty and efficiency, not political activity, will determine the tenure of office.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

[For rules for the civil service promulgated by the President December 19, 1871, see pp. 4111–4113.]

[Rule 13, as amended.]

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, Assistant Postmasters-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, examiner of claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, other heads of bureaus in the several Departments, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of the Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.

REGULATIONS AND CLASSIFICATION.

1. No person will be appointed to any position in the civil service who shall not have furnished satisfactory evidence of his fidelity to the Union and the Constitution of the United States.

2. The evidence in regard to character, health, age, and knowledge of the English language required by the first rule shall be furnished in writing, and if such evidence shall be satisfactory to the head of the Department in which the appointment is to be made the applicant shall be notified when and where to appear for examination; but when the applicants are so numerous that the examination of all whose preliminary papers are satisfactory is plainly impracticable, the head of the Department shall select for examination a practicable number of those who are apparently best qualified.

3. Examinations to fill vacancies in any of the Executive Departments in Washington shall be held not only at the city of Washington, but also, when directed by the head of the Department in which the vacancy may exist, in the several States, either at the capital or other convenient place.

4. The appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, or to be designated for secret service, to fill vacancies in clerkships in either of the Executive Departments at Washington, may be excepted from the operation of the rules.

5. When a vacancy occurs in a consular office of which the lawful annual compensation is $3,000 or more, it will be filled, at the discretion of the President, either by the transfer of some person already in the service or by a new appointment, which may be excepted from the operation of the rules. But if the vacancy occur in an office of which the lawful annual compensation, by salary or by fees ascertained by the last official returns, is more than $1,000 and less than $3,000, and it is not filled by transfer, applications will be addressed to the Secretary of State, inclosing proper certificates of character, responsibility, and capacity, and the Secretary will notify the applicant who upon investigation appears to be most suitable and competent to attend for examination; and if he shall be found qualified he will be nominated for confirmation, but if not found qualified, or if his nomination be not confirmed by the Senate, the Secretary will proceed in like manner with the other applicants who appear to him to be qualified. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. The appointment of commercial agents and of consuls whose annual compensation is $1,000 or less (if derived from fees, the amount to be ascertained by the last official returns), of vice-consuls, deputy consuls, and of consular agents and other officers who are appointed upon the nomination of the principal officer, and for whom he is responsible upon his official bond, may be, until otherwise ordered, excepted from the operation of the rules.

6. When a vacancy occurs in the office of collector of the customs, naval officer, appraiser, or surveyor of the customs in the customs districts of New York, Boston and Charlestown, Baltimore, San Francisco, New Orleans, Philadelphia, Vermont (Burlington), Oswego, Niagara, Buffalo Creek, Champlain, Portland and Falmouth, Corpus Christi, Oswegatchie, Mobile, Brazos de Santiago (Brownsville), Texas (Galveston, etc.), Savannah, Charleston, Chicago, or Detroit, the Secretary of the Treasury shall ascertain if any of the subordinates in the customs districts in which such vacancy occurs are suitable persons qualified to discharge efficiently the duties of the office to be filled; and if such persons be found he shall certify to the President the name or names of those subordinates, not exceeding three, who in his judgment are best qualified for the position, from which the President will make the nomination to fill the vacancy; but if no such subordinate be found qualified, or if the nomination

be not confirmed, the nomination will be made at the discretion of the President. Vacancies occurring in such positions in the customs service in the said districts as are included in the subjoined classification will be filled in accordance with the rules. Appointments to all other positions in the customs service in said districts may be, until otherwise ordered, excepted from the operation of the rules.

7. When a vacancy occurs in the office of collector, appraiser, surveyor, or other chief officer in any customs district not specified in the preceding regulation, applications in writing from any subordinate or subordinates in the customs service of the district, or from other person or persons residing within the said district, may be addressed to the Secretary of the Treasury, inclosing proper certificates of character, responsibility, and capacity; and if any of the subordinates so applying shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Secretary, and from this list the nomination or appointment will be made; but if no such subordinate be found qualified, the said board shall certify to the Secretary the name or names, not exceeding three, of the best qualified among the other applicants, and from this list the nomination or appointment will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. Appointments to all other positions in the customs service in said districts may be, until otherwise ordered, excepted from the operation of the rules.

8. When a vacancy occurs in the office of postmaster in cities having, according to the census of 1870, a population of 20,000 or more, the Postmaster-General shall ascertain if any of the subordinates in such office are suitable persons qualified to discharge efficiently the duties of postmaster, and if such are found he shall certify to the President the name or names of those subordinates, not exceeding three in number, who in his judgment are best qualified for the position, from which list the President will make the nomination to fill the vacancy; but if no such subordinate be found so qualified, or if the nomination be not confirmed by the Senate, the nomination will be made at the discretion of the President. Vacancies occurring in such positions in the said post-office as are included in the subjoined classification will be filled in accordance with the rules. Appointments to all other positions in the said post-offices may be, until otherwise ordered, excepted from the operation of the rules.

9. When a vacancy occurs in the office of postmaster of a class not otherwise provided for, applications for the position from any subordinate or subordinates in the office, or from other persons residing within the delivery of the office, may be addressed to the Postmaster-General, inclosing proper certificates of character, responsibility, and capacity; and if any of the subordinates so applying shall be found suitable and qualified, the name or names of the best qualified, not exceeding three, shall be certified by the board of examiners to the Postmaster-General, and from them the nomination or appointment shall be made; but if no subordinate be found qualified, the said board shall certify to the Postmaster-General the name or names, not exceeding three, of the best qualified among the other applicants, and from them the nomination or appointment shall be made. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. Appointments to all other positions in the said post-offices may be, until otherwise ordered, excepted from the operation of the rules.

10. Special agents of the Post-Office Department shall be appointed by the Postmaster-General at discretion from persons already in the postal service, and who shall have served therein for a period of not less than one year immediately preceding the appointment; but if no person within the service shall, in the judgment of the Postmaster-General, be suitable and qualified, the appointment shall be made from all applicants under the rules.

11. Mail-route messengers shall be appointed in the manner provided for the appointment of postmasters whose annual salary is less than $200.

12. When a vacancy occurs in the office of register or receiver of the land office, or of pension agent, applications in writing from residents in the district in which the

vacancy occurs may be addressed to the Secretary of the Interior, inclosing proper certificates of character, responsibility, and capacity; and if any of the applicants shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Secretary, and from this list the nomination will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the nomination will be made at discretion.

13. When a vacancy occurs in the office of United States marshal, applications in writing from residents in the district in which the vacancy occurs may be addressed to the Attorney-General of the United States, inclosing proper certificates of character, responsibility, and capacity; and if any of the applicants shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Attorney-General, and from this list the nomination will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the nomination will be made at discretion.

14. Appointments to fill vacancies occurring in offices in the several Territories, excepting those of judges of the United States courts, Indian agents, and superintendents, will be made from suitable and qualified persons domiciled in the Territory in which the vacancy occurs, if any such are found.

15. It shall be the duty of the examining board in each of the Departments to report to the Advisory Board such modifications in the rules and regulations as in the judgment of such examining board are required for appointments to certain positions to which, by reason of distance, or of difficult access, or of other sufficient cause, the rules and regulations can not be applied with advantage; and if the reason for such modifications shall be satisfactory to the Advisory Board, said board will recommend them for approval.

16. Nothing in these rules and regulations shall prevent the reappointment at discretion of the incumbents of any office the term of which is fixed by law, and when such reappointment is made no vacancy within the meaning of the rules shall be deemed to have occurred.

17. Appointments to all positions in the civil service not included in the subjoined classification, nor otherwise specially provided for by the rules and regulations, may, until otherwise ordered, be excepted from the operation of the rules.

EXECUTIVE MANSION,
Washington, D. C., May 27, 1872.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the employees of the Government to participate, in connection with the Grand Army of the Republic, in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

HORACE PORTER, *Secretary.*

DEPARTMENT OF STATE,
Washington, October 11, 1872.

The undersigned is charged by the President with the painful duty of announcing to the people of the United States the death of an illustrious citizen.

William Henry Seward, distinguished for faithful and eminent service in varied public trusts during a long series of years, died at Auburn, in the

*Addressed to the heads of the Executive Departments, etc.

State of New York, yesterday, October 10. Charged with the administration of the Department of State at a most critical period in the history of the nation, Mr. Seward brought to the duties of that office exalted patriotism, unwearied industry, and consummate ability. A grateful nation will cherish his name, his fame, and his memory.

The several Executive Departments will cause appropriate honors to be rendered to the memory of the deceased statesman at home and abroad.

HAMILTON FISH,
Secretary of State.

FOURTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 2, 1872.*

To the Senate and House of Representatives:

In transmitting to you this my fourth annual message it is with thankfulness to the Giver of All Good that as a nation we have been blessed for the past year with peace at home, peace abroad, and a general prosperity vouchsafed to but few peoples.

With the exception of the recent devastating fire which swept from the earth with a breath, as it were, millions of accumulated wealth in the city of Boston, there has been no overshadowing calamity within the year to record. It is gratifying to note how, like their fellow-citizens of the city of Chicago under similar circumstances a year earlier, the citizens of Boston are rallying under their misfortunes, and the prospect that their energy and perseverance will overcome all obstacles and show the same prosperity soon that they would had no disaster befallen them. Otherwise we have been free from pestilence, war, and calamities, which often overtake nations; and, as far as human judgment can penetrate the future, no cause seems to exist to threaten our present peace.

When Congress adjourned in June last, a question had been raised by Great Britain, and was then pending, which for a time seriously imperiled the settlement by friendly arbitration of the grave differences between this Government and that of Her Britannic Majesty, which by the treaty of Washington had been referred to the tribunal of arbitration which had met at Geneva, in Switzerland.

The arbitrators, however, disposed of the question which had jeoparded the whole of the treaty and threatened to involve the two nations in most unhappy relations toward each other in a manner entirely satisfactory to this Government and in accordance with the views and the policy which it had maintained.

The tribunal, which had convened at Geneva in December, concluded its laborious session on the 14th day of September last, on which day,

having availed itself of the discretionary power given to it by the treaty to award a sum in gross, it made its decision, whereby it awarded the sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to its consideration.

This decision happily disposes of a long-standing difference between the two Governments, and, in connection with another award, made by the German Emperor under a reference to him by the same treaty, leaves these two Governments without a shadow upon the friendly relations which it is my sincere hope may forever remain equally unclouded.

The report of the agent of the United States appointed to attend the Geneva tribunal, accompanied by the protocols of the proceedings of the arbitrators, the arguments of the counsel of both Governments, the award of the tribunal, and the opinions given by the several arbitrators, is transmitted herewith.

I have caused to be communicated to the heads of the three friendly powers who complied with the joint request made to them under the treaty the thanks of this Government for the appointment of arbitrators made by them respectively, and also my thanks to the eminent personages named by them, and my appreciation of the dignity, patience, impartiality, and great ability with which they discharged their arduous and high functions.

Her Majesty's Government has communicated to me the appreciation by Her Majesty of the ability and indefatigable industry displayed by Mr. Adams, the arbitrator named on the part of this Government during the protracted inquiries and discussions of the tribunal. I cordially unite with Her Majesty in this appreciation.

It is due to the agent of the United States before the tribunal to record my high appreciation of the marked ability, unwearied patience, and the prudence and discretion with which he has conducted the very responsible and delicate duties committed to him, as it is also due to the learned and eminent counsel who attended the tribunal on the part of this Government to express my sense of the talents and wisdom which they brought to bear in the attainment of the result so happily reached.

It will be the province of Congress to provide for the distribution among those who may be entitled to it of their respective shares of the money to be paid. Although the sum awarded is not payable until a year from the date of the award, it is deemed advisable that no time be lost in making a proper examination of the several cases in which indemnification may be due. I consequently recommend the creation of a board of commissioners for the purpose.

By the thirty-fourth article of the treaty of Washington the respective claims of the United States and of Great Britain in their construction of the treaty of the 15th of June, 1846, defining the boundary line between their respective territories, were submitted to the arbitration and award

of His Majesty the Emperor of Germany, to decide which of those claims is most in accordance with the true interpretation of the treaty of 1846.

His Majesty the Emperor of Germany, having been pleased to undertake the arbitration, has the earnest thanks of this Government and of the people of the United States for the labor, pains, and care which he has devoted to the consideration of this long-pending difference. I have caused an expression of my thanks to be communicated to His Majesty. Mr. Bancroft, the representative of this Government at Berlin, conducted the case and prepared the statement on the part of the United States with the ability that his past services justified the public in expecting at his hands. As a member of the Cabinet at the date of the treaty which has given rise to the discussion between the two Governments, as the minister to Great Britain when the construction now pronounced unfounded was first advanced, and as the agent and representative of the Government to present the case and to receive the award, he has been associated with the question in all of its phases, and in every stage has manifested a patriotic zeal and earnestness in maintenance of the claim of the United States. He is entitled to much credit for the success which has attended the submission.

After a patient investigation of the case and of the statements of each party, His Majesty the Emperor, on the 21st day of October last, signed his award in writing, decreeing that the claim of the Government of the United States, that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel, is most in accordance with the true interpretation of the treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States.

Copies of the "case" presented on behalf of each Government, and of the "statement in reply" of each, and a translation of the award, are transmitted herewith.

This award confirms the United States in their claim to the important archipelago of islands lying between the continent and Vancouvers Island, which for more than twenty-six years (ever since the ratification of the treaty) Great Britain has contested, and leaves us, for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent.

It is my grateful duty to acknowledge the prompt, spontaneous action of Her Majesty's Government in giving effect to the award. In anticipation of any request from this Government, and before the reception in the United States of the award signed by the Emperor, Her Majesty had given instructions for the removal of her troops which had been stationed there and for the cessation of all exercise or claim of jurisdiction, so as to leave the United States in the exclusive possession of the lately disputed territory. I am gratified to be able to announce that the orders for

the removal of the troops have been executed, and that the military joint occupation of San Juan has ceased. The islands are now in the exclusive possession of the United States.

It now becomes necessary to complete the survey and determination of that portion of the boundary line (through the Haro Channel) upon which the commission which determined the remaining part of the line were unable to agree. I recommend the appointment of a commission to act jointly with one which may be named by Her Majesty for that purpose.

Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective Governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbors may again array the two Governments in antagonism. I therefore recommend the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our Territory of Alaska and the conterminous possessions of Great Britain.

In my last annual message I recommended the legislation necessary on the part of the United States to bring into operation the articles of the treaty of Washington of May 8, 1871, relating to the fisheries and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions.

That legislation on the part of Great Britain and its possessions had not then been had, and during the session of Congress a question was raised which for the time raised a doubt whether any action by Congress in the direction indicated would become important. This question has since been disposed of, and I have received notice that the Imperial Parliament and the legislatures of the provincial governments have passed laws to carry the provisions of the treaty on the matters referred to into operation. I therefore recommend your early adoption of the egislation in the same direction necessary on the part of this Government.

The joint commission for determining the boundary line between the United States and the British possessions between the Lake of the Woods and the Rocky Mountains has organized and entered upon its work. It is desirable that the force be increased, in order that the completion of the survey and determination of the line may be the sooner attained. To this end I recommend that a sufficient appropriation be made.

With France, our earliest ally; Russia, the constant and steady friend of the United States; Germany, with whose Government and people we have so many causes of friendship and so many common sympathies, and the other powers of Europe, our relations are maintained on the most friendly terms.

Since my last annual message the exchange has been made of the ratifications of a treaty with the Austro-Hungarian Empire relating to naturalization; also of a treaty with the German Empire respecting consuls and trade-marks; also of a treaty with Sweden and Norway relating to naturalization; all of which treaties have been duly proclaimed.

Congress at its last session having made an appropriation to defray the expense of commissioners on the part of the United States to the International Statistical Congress at St. Petersburg, the persons appointed in that character proceeded to their destination and attended the sessions of the congress. Their report shall in due season be laid before you. This congress meets at intervals of about three years, and has held its sessions in several of the countries of Europe. I submit to your consideration the propriety of extending an invitation to the congress to hold its next meeting in the United States. The Centennial Celebration to be held in 1876 would afford an appropriate occasion for such meeting.

Preparations are making for the international exposition to be held during the next year in Vienna, on a scale of very great magnitude. The tendency of these expositions is in the direction of advanced civilization, and of the elevation of industry and of labor, and of the increase of human happiness, as well as of greater intercourse and good will between nations. As this exposition is to be the first which will have been held in eastern Europe, it is believed that American inventors and manufacturers will be ready to avail themselves of the opportunity for the presentation of their productions if encouraged by proper aid and protection.

At the last session of Congress authority was given for the appointment of one or more agents to represent this Government at the exposition. The authority thus given has been exercised, but, in the absence of any appropriation, there is danger that the important benefits which the occasion offers will in a large degree be lost to citizens of the United States. I commend the subject strongly to your consideration, and recommend that an adequate appropriation be made for the purpose.

To further aid American exhibitors at the Vienna Exposition, I would recommend, in addition to an appropriation of money, that the Secretary of the Navy be authorized to fit up two naval vessels to transport between our Atlantic cities and Trieste, or the most convenient port to Vienna, and back, their articles for exhibition.

Since your last session the President of the Mexican Republic, distinguished by his high character and by his services to his country, has died. His temporary successor has now been elected with great unanimity by

the people—a proof of confidence on their part in his patriotism and wisdom which it is believed will be confirmed by the results of his administration. It is particularly desirable that nothing should be left undone by the Government of either Republic to strengthen their relations as neighbors and friends.

It is much to be regretted that many lawless acts continue to disturb the quiet of the settlements on the border between our territory and that of Mexico, and that complaints of wrongs to American citizens in various parts of the country are made. The revolutionary condition in which the neighboring Republic has so long been involved has in some degree contributed to this disturbance. It is to be hoped that with a more settled rule of order through the Republic, which may be expected from the present Government, the acts of which just complaint is made will cease.

The proceedings of the commission under the convention with Mexico of the 4th of July, 1868, on the subject of claims, have, unfortunately, been checked by an obstacle, for the removal of which measures have been taken by the two Governments which it is believed will prove successful.

The commissioners appointed, pursuant to the joint resolution of Congress of the 7th of May last, to inquire into depredations on the Texan frontier have diligently made investigations in that quarter. Their report upon the subject will be communicated to you. Their researches were necessarily incomplete, partly on account of the limited appropriation made by Congress. Mexico, on the part of that Government, has appointed a similar commission to investigate these outrages. It is not announced officially, but the press of that country states that the fullest investigation is desired, and that the cooperation of all parties concerned is invited to secure that end. I therefore recommend that a special appropriation be made at the earliest day practicable, to enable the commissioners on the part of the United States to return to their labors without delay.

It is with regret that I have again to announce a continuance of the disturbed condition of the island of Cuba. No advance toward the pacification of the discontented part of the population has been made. While the insurrection has gained no advantages and exhibits no more of the elements of power or of the prospects of ultimate success than were exhibited a year ago, Spain, on the other hand, has not succeeded in its repression, and the parties stand apparently in the same relative attitude which they have occupied for a long time past.

This contest has lasted now for more than four years. Were its scene at a distance from our neighborhood, we might be indifferent to its result, although humanity could not be unmoved by many of its incidents wherever they might occur. It is, however, at our door.

I can not doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of

slavery and the introduction of other reforms in the administration of government in Cuba could not fail to advance the restoration of peace and order. It is greatly to be hoped that the present liberal Government of Spain will voluntarily adopt this view.

The law of emancipation, which was passed more than two years since, has remained unexecuted in the absence of regulations for its enforcement. It was but a feeble step toward emancipation, but it was the recognition of right, and was hailed as such, and exhibited Spain in harmony with sentiments of humanity and of justice and in sympathy with the other powers of the Christian and civilized world.

Within the past few weeks the regulations for carrying out the law of emancipation have been announced, giving evidence of the sincerity of intention of the present Government to carry into effect the law of 1870. I have not failed to urge the consideration of the wisdom, the policy, and the justice of a more effective system for the abolition of the great evil which oppresses a race and continues a bloody and destructive contest close to our border, as well as the expediency and the justice of conceding reforms of which the propriety is not questioned.

Deeply impressed with the conviction that the continuance of slavery is one of the most active causes of the continuance of the unhappy condition in Cuba, I regret to believe that citizens of the United States, or those claiming to be such, are large holders in Cuba of what is there claimed as property, but which is forbidden and denounced by the laws of the United States. They are thus, in defiance of the spirit of our own laws, contributing to the continuance of this distressing and sickening contest. In my last annual message I referred to this subject, and I again recommend such legislation as may be proper to denounce, and, if not prevent, at least to discourage American citizens from holding or dealing in slaves.

It is gratifying to announce that the ratifications of the convention concluded under the auspices of this Government between Spain on the one part and the allied Republics of the Pacific on the other, providing for an armistice, have been exchanged. A copy of the instrument is herewith submitted. It is hoped that this may be followed by a permanent peace between the same parties.

The differences which at one time threatened the maintenance of peace between Brazil and the Argentine Republic it is hoped are in the way of satisfactory adjustment.

With these States, as with the Republics of Central and of South America, we continue to maintain the most friendly relations.

It is with regret, however, I announce that the Government of Venezuela has made no further payments on account of the awards under the convention of the 25th of April, 1866. That Republic is understood to be now almost, if not quite, tranquilized. It is hoped, therefore, that it will lose no time in providing for the unpaid balance of its debt to the

United States, which, having originated in injuries to our citizens by Venezuelan authorities, and having been acknowledged, pursuant to a treaty, in the most solemn form known among nations, would seem to deserve a preference over debts of a different origin and contracted in a different manner. This subject is again recommended to the attention of Congress for such action as may be deemed proper.

Our treaty relations with Japan remain unchanged. An imposing embassy from that interesting and progressive nation visited this country during the year that is passing, but, being unprovided with powers for the signing of a convention in this country, no conclusion in that direction was reached. It is hoped, however, that the interchange of opinions which took place during their stay in this country has led to a mutual appreciation of the interests which may be promoted when the revision of the existing treaty shall be undertaken.

In this connection I renew my recommendation of one year ago, that—

> To give importance to and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there. Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated, our representatives in Japan and China have to depend for interpreters and translators upon natives of those countries, who know our language imperfectly, or procure for the occasion the services of employees in foreign business houses or the interpreters to other foreign ministers.

I renew the recommendation made on a previous occasion, of the transfer to the Department of the Interior, to which they seem more appropriately to belong, of all the powers and duties in relation to the Territories with which the Department of State is now charged by law or by custom.

Congress from the beginning of the Government has wisely made provision for the relief of distressed seamen in foreign countries. No similar provision, however, has hitherto been made for the relief of citizens in distress abroad other than seamen. It is understood to be customary with other governments to authorize consuls to extend such relief to their citizens or subjects in certain cases. A similar authority and an appropriation to carry it into effect are recommended in the case of citizens of the United States destitute or sick under such circumstances. It is well known that such citizens resort to foreign countries in great numbers. Though most of them are able to bear the expenses incident to locomotion, there are some who, through accident or otherwise, become penniless, and have no friends at home able to succor them. Persons in this situation must either perish, cast themselves upon the charity of foreigners, or be relieved at the private charge of our own officers, who usually, even with the most benevolent dispositions, have nothing to spare for such purposes.

Should the authority and appropriation asked for be granted, care will be taken so to carry the beneficence of Congress into effect that it shall not be unnecessarily or unworthily bestowed.

TREASURY.

The moneys received and covered into the Treasury during the fiscal year ended June 30, 1872, were:

From customs	$216,370,286.77
From sales of public lands	2,575,714.19
From internal revenue	130,642,177.72
From tax on national-bank circulation, etc.	6,523,396.39
From Pacific railway companies	749,861.87
From customs fines, etc.	1,136,442.34
From fees—consular, patent, land, etc.	2,284,095.92
From miscellaneous sources	4,412,254.71
Total ordinary receipts	364,694,229.91
From premium on sales of coin	9,412,637.65
Total net receipts	374,106,867.56
Balance in Treasury June 30, 1871 (including $18,228.35 received from "unavailable")	109,935,705.59
Total available cash	484,042,573.15

The net expenditures by warrants during the same period were:

For civil expenses		$16,187,059.20
For foreign intercourse		1,839,369.14
For Indians		7,061,728.82
For pensions		28,533,402.76
For military establishment, including fortifications, river and harbor improvements, and arsenals		35,372,157.20
For naval establishment, including vessels and machinery and improvements at navy-yards		21,249,809.99
For miscellaneous civil, including public buildings, light-houses, and collecting the revenue		42,958,329.08
For interest on the public debt		117,357,839.72
Total, exclusive of principal and premium on the public debt		270,559,695.91
For premium on bonds purchased	$6,958,266.76	
For redemption of the public debt	99,960,253.54	
		106,918,520.30
Total net disbursements		377,478,216.21
Balance in Treasury June 30, 1872		106,564,356.94
Total		484,042,573.15

From the foregoing statement it appears that the net reduction of the principal of the debt during the fiscal year ending June 30, 1872, was $99,960,253.54.

The source of this reduction is as follows:

Net ordinary receipts during the year	$364,694,229.91
Net ordinary expenditures, including interest on the public debt	270,559,695.91
Leaving surplus revenue	94,134,534.00
Add amount received from premium on sales of gold, in excess of the premium paid on bonds purchased	2,454,370.89
Add the amount of the reduction of the cash balance at the close of the year, accompanied with same at commencement of the year	3,371,348.65
Total	99,960,253.54

This statement treats solely of the principal of the public debt.

By the monthly statement of the public debt, which adds together the principal, interest due and unpaid, and interest accrued to date, not due, and deducts the cash in the Treasury as ascertained on the day of publication, the reduction was $100,544,491.28.

The source of this reduction is as follows:

Reduction in principal account	$99,960,003.54
Reduction in unpaid-interest account	3,330,952.96
	103,290,956.50
Reduction in cash on hand	2,746,465.22
	100,544,491.28

On the basis of the last table the statements show a reduction of the public debt from the 1st of March, 1869, to the present time as follows:

From March 1, 1869, to March 1, 1870	$87,134,782.84
From March 1, 1870, to March 1, 1871	117,619,630.25
From March 1, 1871, to March 1, 1872	94,895,348.94
From March 1, 1872, to November 1, 1872 (eight months)	64,047,237.84
Total	363,696,999.87

With the great reduction of taxation by the acts of Congress at its last session, the expenditure of the Government in collecting the revenue will be much reduced for the next fiscal year. It is very doubtful, however, whether any further reduction of so vexatious a burden upon any people will be practicable for the present. At all events, as a measure of justice to the holders of the nation's certificates of indebtedness. I would recommend that no more legislation be had on this subject, unless it be to correct errors of omission or commission in the present laws, until sufficient time has elapsed to prove that it can be done and still leave sufficient revenue to meet current expenses of Government, pay interest on the public debt, and provide for the sinking fund established by law. The preservation of our national credit is of the highest importance; next in importance to this comes a solemn duty to provide a national currency of fixed, unvarying value as compared with gold, and as soon as practicable, having due regard for the interests of the debtor class and the vicissitudes of trade and commerce, convertible into gold at par.

WAR DEPARTMENT.

The report of the Secretary of War shows the expenditures of the War Department for the fiscal year ending June 30, 1871, to be $35,799,991.82, and for the fiscal year ending June 30, 1872, to be $35,372,157.20, showing a reduction in favor of the last fiscal year of $427,834.62.

The estimates for military appropriations for the next fiscal year, ending June 30, 1874, are $33,801,378.78.

The estimates of the Chief of Engineers are submitted separately for fortifications, river and harbor improvements, and for public buildings and grounds and the Washington Aqueduct.

The affairs of the Freedmen's Bureau have all been transferred to the War Department, and regulations have been put into execution for the

speedy payment of bounty, pay, etc., due colored soldiers, properly coming under that Bureau. All war accounts, for money and property, prior to 1871 have been examined and transmitted to the Treasury for final settlement.

During the fiscal year there has been paid for transportation on railroads $1,300,000, of which $800,857 was over the Pacific railroads; for transportation by water $626,373.52, and by stage $48,975.84; for the purchase of transportation animals, wagons, hire of teamsters, etc., $924,650.64.

About $370,000 have been collected from Southern railroads during the year, leaving about $4,000,000 still due.

The Quartermaster has examined and transmitted to the accounting officers for settlement $367,172.72 of claims by loyal citizens for quartermaster stores taken during the war.

Subsistence supplies to the amount of $89,048.12 have been issued to Indians.

The annual average mean strength of the Army was 24,101 white and 2,494 colored soldiers. The total deaths for the year reported were 367 white and 54 colored.

The distribution of the Medical and Surgical History of the War is yet to be ordered by Congress.

There exists an absolute necessity for a medical corps of the full number established by act of Congress of July 28, 1866, there being now fifty-nine vacancies, and the number of successful candidates rarely exceeds eight or ten in any one year.

The river and harbor improvements have been carried on with energy and economy. Though many are only partially completed, the results have saved to commerce many times the amount expended. The increase of commerce, with greater depths of channels, greater security in navigation, and the saving of time, adds millions to the wealth of the country and increases the resources of the Government.

The bridge across the Mississippi River at Rock Island has been completed, and the proper site has been determined upon for the bridge at La Crosse.

The able and exhaustive report made by the commission appointed to investigate the Sutro Tunnel has been transmitted to Congress.

The observations and reports of the Signal Office have been continued. Stations have been maintained at each of the principal lake, seaport, and river cities. Ten additional stations have been established in the United States, and arrangements have been made for an exchange of reports with Canada, and a similar exchange of observations is contemplated with the West India Islands.

The favorable attention of Congress is invited to the following recommendations of the Secretary of War:

A discontinuance of the appointment of extra lieutenants to serve as

adjutants and quartermasters; the adoption of a code providing specific penalties for well-defined offenses, so that the inequality of sentences adjudged by courts-martial may be adjusted; the consolidation of accounts under which expenditures are made, as a measure of economy; a reappropriation of the money for the construction of a depot at San Antonio, the title to the site being now perfected; a special act placing the cemetery at the City of Mexico on the same basis as other national cemeteries; authority to purchase sites for military posts in Texas; the appointment of commissary sergeants from noncommissioned officers, as a measure for securing the better care and protection of supplies; an appropriation for the publication of the catalogue and tables of the anatomical section of the Army Medical Museum; a reappropriation of the amount for the manufacture of breech-loading arms, should the selection be so delayed by the board of officers as to leave the former appropriation unexpended at the close of the fiscal year; the sale of such arsenals east of the Mississippi as can be spared, and the proceeds applied to the establishment of one large arsenal of construction and repair upon the Atlantic Coast and the purchase of a suitable site for a proving and experimental ground for heavy ordnance; the abrogation of laws which deprive inventors in the United States service from deriving any benefit from their inventions; the repeal of the law prohibiting promotions in the staff corps; a continuance of the work upon coast defenses; the repeal of the seventh section of the act of July 13, 1866, taking from engineer soldiers the per diem granted to other troops; a limitation of time for presentation of old war claims for subsistence supplies under act of July 4, 1864; and a modification in the mode of the selection of cadets for the Military Academy, in order to enhance the usefulness of the Academy, which is impaired by reason of the large amount of time necessarily expended in giving new cadets a thorough knowledge of the more elementary branches of learning, which they should acquire before entering the Academy. Also an appropriation for philosophical apparatus and an increase in the numbers and pay of the Military Academy band.

The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic Seaboard. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest, therefore, that immediate steps be taken to gain all available information to insure equable and just legislation.

One route to connect the Mississippi Valley with the Atlantic, at Charleston, S. C., and Savannah, Ga., by water, by the way of the Ohio and Tennessee rivers, and canals and slack-water navigation to the Savannah and Ocmulgee rivers, has been surveyed, and report made by an accomplished engineer officer of the Army. Second and third new routes will be proposed for the consideration of Congress, namely, by an

extension of the Kanawha and James River Canal to the Ohio, and by extension of the Chesapeake and Ohio Canal.

I am not prepared to recommend Government aid to these or other enterprises until it is clearly shown that they are not only of national interest, but that when completed they will be of a value commensurate with their cost.

That production increases more rapidly than the means of transportation in our country has been demonstrated by past experience. That the unprecedented growth in population and products of the whole country will require additional facilities—and cheaper ones for the more bulky articles of commerce to reach tide water and a market will be demanded in the near future—is equally demonstrable. I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some future day for its better guidance in legislating on this important subject.

The railroads of the country have been rapidly extended during the last few years to meet the growing demands of producers, and reflect much credit upon the capitalists and managers engaged in their construction.

In addition to these, a project to facilitate commerce by the building of a ship canal around Niagara Falls, on the United States side, which has been agitated for many years, will no doubt be called to your attention at this session.

Looking to the great future growth of the country and the increasing demands of commerce, it might be well while on this subject not only to have examined and reported upon the various practicable routes for connecting the Mississippi with tide water on the Atlantic, but the feasibility of an almost continuous landlocked navigation from Maine to the Gulf of Mexico. Such a route along our coast would be of great value at all times, and of inestimable value in case of a foreign war. Nature has provided the greater part of this route, and the obstacles to overcome are easily within the skill of the engineer.

I have not alluded to this subject with the view of having any further expenditure of public money at this time than may be necessary to procure and place all the necessary information before Congress in an authentic form, to enable it hereafter, if deemed practicable and worthy, to legislate on the subject without delay.

NAVY DEPARTMENT.

The report of the Secretary of the Navy herewith accompanying explains fully the condition of that branch of the public service, its wants and deficiencies, expenses incurred during the past year, and appropriations for the same. It also gives a complete history of the services of the Navy for the past year in addition to its regular service.

It is evident that unless early steps are taken to preserve our Navy

in a very few years the United States will be the weakest nation upon the ocean, of all great powers. With an energetic, progressive, business people like ours, penetrating and forming business relations with every part of the known world, a navy strong enough to command the respect of our flag abroad is necessary for the full protection of their rights.

I recommend careful consideration by Congress of the recommendations made by the Secretary of the Navy.

POST-OFFICE DEPARTMENT.

The accompanying report of the Postmaster-General furnishes a full and satisfactory exhibit of the operations of the Post-Office Department during the year. The ordinary revenues of the Department for the fiscal year ending June 30, 1872, amounted to $21,915,426.37, and the expenditures to $26,658,192.31. Compared with the previous fiscal year the increase of revenue was $1,878,330.95, or 9.37 per cent, and the increase of expenditures $2,268,088.23, or 9.29 per cent. Adding to the ordinary revenues the annual appropriation of $700,000 for free matter and the amounts paid to the subsidized mail steamship lines from special appropriations, the deficiency paid out of the General Treasury was $3,317,765.94, an excess of $389,707.28 over the deficiency for the year 1871.

Other interesting statistical information relating to our rapidly extending postal service is furnished in this report. The total length of railroad mail routes on the 30th of June, 1872, was 57,911 miles, 8,077 additional miles of such service having been put into operation during the year. Eight new lines of railway post-offices have been established, with an aggregate length of 2,909 miles. The number of letters exchanged in the mails with foreign countries was 24,362,500, an increase of 4,066,502, or 20 per cent, over the number in 1871; and the postage thereon amounted to $1,871,257.25. The total weight of the mails exchanged with European countries exceeded 820 tons. The cost of the United States transatlantic mail steamship service was $220,301.70. The total cost of the United States ocean steamship service, including the amounts paid to the subsidized lines of mail steamers, was $1,027,020.97.

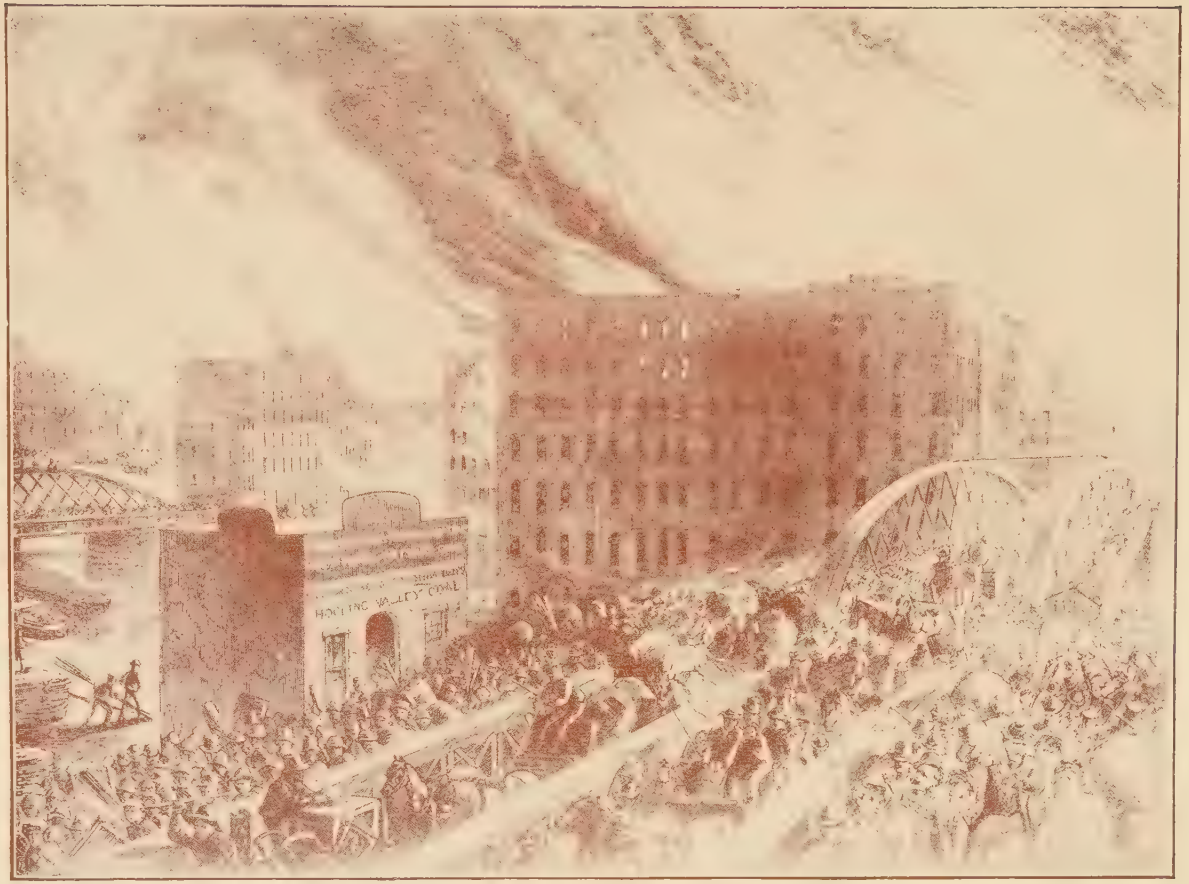
The following are the only steamship lines now receiving subsidies for mail service under special acts of Congress: The Pacific Mail Steamship Company receive $500,000 per annum for conveying a monthly mail between San Francisco, Japan, and China, which will be increased to $1,000,000 per annum for a semimonthly mail on and after October 1, 1873; the United States and Brazil Mail Steamship Company receive $150,000 per annum for conveying a monthly mail between New York and Rio de Janeiro, Brazil; and the California, Oregon and Mexican Steamship Company receive $75,000 per annum for conveying a monthly mail between San Francisco and Honolulu (Hawaiian Islands), making the total amount of mail steamship subsidies at present $725,000 per annum.

Our postal communications with all parts of the civilized world have been placed upon a most advantageous footing by the improved postal conventions and arrangements recently concluded with the leading commercial countries of Europe and America, and the gratifying statement is made that with the conclusion of a satisfactory convention with France, the details of which have been definitely agreed to by the head of the French postal department, subject to the approval of the minister of finance, little remains to be accomplished by treaty for some time to come with respect either to reduction of rates or improved facilities of postal intercourse.

Your favorable consideration is respectfully invited to the recommendations made by the Postmaster-General for an increase of service from monthly to semimonthly trips on the mail steamship route to Brazil; for a subsidy in aid of the establishment of an American line of mail steamers between San Francisco, New Zealand, and Australia; for the establishment of post-office savings banks, and for the increase of the salaries of the heads of bureaus. I have heretofore recommended the abolition of the franking privilege, and see no reason now for changing my views on that subject. It not having been favorably regarded by Congress, however, I now suggest a modification of that privilege to correct its glaring and costly abuses. I would recommend also the appointment of a committee or commission to take into consideration the best method (equitable to private corporations who have invested their time and capital in the establishment of telegraph lines) of acquiring the title to all telegraph lines now in operation, and of connecting this service with the postal service of the nation. It is not probable that this subject could receive the proper consideration during the limits of a short session of Congress, but it may be initiated, so that future action may be fair to the Government and to private parties concerned.

There are but three lines of ocean steamers—namely, the Pacific Mail Steamship Company, between San Francisco, China, and Japan, with provision made for semimonthly service after October 1, 1873; the United States and Brazil line, monthly; and the California, New Zealand, and Australian line, monthly—plying between the United States and foreign ports, and owned and operated under our flag. I earnestly recommend that such liberal contracts for carrying the mails be authorized with these lines as will insure their continuance.

If the expediency of extending the aid of Government to lines of steamers which hitherto have not received it should be deemed worthy of the consideration of Congress, political and commercial objects make it advisable to bestow such aid on a line under our flag between Panama and the western South American ports. By this means much trade now diverted to other countries might be brought to us, to the mutual advantage of this country and those lying in that quarter of the continent of America.



THE GREAT CHICAGO FIRE

THE GREAT CHICAGO FIRE

This conflagration occurred October 9 and 10, 1871. By it the city was almost entirely destroyed. More than two hundred million dollars' worth of property was destroyed, and one hundred thousand people were made homeless.

The effect of this event on the country was depressing, and the ablest, calmest and most conservative men of the Nation predicted it would usher in hard times. The optimistic and courageous spirit of the people of Chicago in immediately planning and commencing to build their city contributed more to dispel the gloom than any other factor. No more striking example of the real unity of these United States could be given than the promptness with which all sections join in relieving the distressed after a calamity like the Chicago, Boston and San Francisco fires.

The report of the Secretary of the Treasury will show an alarming falling off in our carrying trade for the last ten or twelve years, and even for the past year. I do not believe that public treasure can be better expended in the interest of the whole people than in trying to recover this trade. An expenditure of $5,000,000 per annum for the next five years, if it would restore to us our proportion of the carrying trade of the world, would be profitably expended.

The price of labor in Europe has so much enhanced within the last few years that the cost of building and operating ocean steamers in the United States is not so much greater than in Europe; and I believe the time has arrived for Congress to take this subject into serious consideration.

DEPARTMENT OF JUSTICE.

Detailed statements of the disbursements through the Department of Justice will be furnished by the report of the Attorney-General, and though these have been somewhat increased by the recent acts of Congress "to enforce the rights of citizens of the United States to vote in the several States of the Union," and "to enforce the provisions of the fourteenth amendment to the Constitution of the United States," and the amendments thereto, I can not question the necessity and salutary effect of those enactments. Reckless and lawless men, I regret to say, have associated themselves together in some localities to deprive other citizens of those rights guaranteed to them by the Constitution of the United States, and to that end have committed deeds of blood and violence; but the prosecution and punishment of many of these persons have tended greatly to the repression of such disorders. I do not doubt that a great majority of the people in all parts of the country favor the full enjoyment by all classes of persons of those rights to which they are entitled under the Constitution and laws, and I invoke the aid and influence of all good citizens to prevent organizations whose objects are by unlawful means to interfere with those rights. I look with confidence to the time, not far distant, when the obvious advantages of good order and peace will induce an abandonment of all combinations prohibited by the acts referred to, and when it will be unnecessary to carry on prosecutions or inflict punishment to protect citizens from the lawless doings of such combinations.

Applications have been made to me to pardon persons convicted of a violation of said acts, upon the ground that clemency in such cases would tend to tranquilize the public mind, and to test the virtue of that policy I am disposed, as far as my sense of justice will permit, to give to these applications a favorable consideration; but any action thereon is not to be construed as indicating any change in my determination to enforce with vigor such acts so long as the conspiracies and combinations therein named disturb the peace of the country.

It is much to be regretted, and is regretted by no one more than myself, that a necessity has ever existed to execute the "enforcement

act." No one can desire more than I that the necessity of applying it may never again be demanded.

INTERIOR DEPARTMENT.

The Secretary of the Interior reports satisfactory improvement and progress in each of the several bureaus under the control of the Interior Department. They are all in excellent condition. The work which in some of them for some years has been in arrears has been brought down to a recent date, and in all the current business is being promptly dispatched.

INDIANS.

The policy which was adopted at the beginning of this Administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expense of their management; decreased their forays upon the white settlements; tended to give the largest opportunity for the extension of the great railways through the public domain and the pushing of settlements into more remote districts of the country, and at the same time improved the condition of the Indians. The policy will be maintained without any change excepting such as further experience may show to be necessary to render it more efficient.

The subject of converting the so-called Indian Territory south of Kansas into a home for the Indian, and erecting therein a Territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that Territory has within the past year been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. As a preliminary step to the organization of such a Territory, it will be necessary to confine the Indians now resident therein to farms of proper size, which should be secured to them in fee; the residue to be used for the settlement of other friendly Indians. Efforts will be made in the immediate future to induce the removal of as many peaceably disposed Indians to the Indian Territory as can be settled properly without disturbing the harmony of those already there. There is no other location now available where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory. A Territorial government should, however, protect the Indians from the inroads of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights, and from the disposal of the lands held by them for the same period.

LANDS.

During the last fiscal year there were disposed of out of the public lands 11,864,975 acres, a quantity greater by 1,099,270 acres than was

disposed of the previous year. Of this amount 1,370,320 acres were sold for cash, 389,460 acres located with military warrants, 4,671,332 acres taken for homesteads, 693,613 acres located with college scrip, 3,554,887 acres granted to railroads, 465,347 acres granted to wagon roads, 714,255 acres given to States as swamp land, 5,760 acres located by Indian scrip. The cash receipts from all sources in the Land Office amounted to $3,218,100. During the same period 22,016,608 acres of the public lands were surveyed, which, added to the quantity before surveyed, amounts to 583,364,780 acres, leaving 1,257,633,628 acres of the public lands still unsurveyed.

The reports from the subordinates of the Land Office contain interesting information in regard to their respective districts. They uniformly mention the fruitfulness of the soil during the past season and the increased yields of all kinds of produce. Even in those States and Territories where mining is the principal business agricultural products have exceeded the local demand, and liberal shipments have been made to distant points.

PATENTS.

During the year ending September 30, 1872, there were issued from the Patent Office 13,626 patents, 233 extensions, and 556 certificates and registries of trade-marks. During the same time 19,587 applications for patents, including reissues and designs, have been received and 3,100 caveats filed. The fees received during the same period amounted to $700,954.86, and the total expenditures to $623,553.90, making the net receipts over the expenditures $77,400.96.

Since 1836 200,000 applications for patents have been filed and about 133,000 patents issued. The office is being conducted under the same laws and general organization as were adopted at its original inauguration, when only from 100 to 500 applications were made per annum. The Commissioner shows that the office has outgrown the original plan, and that a new organization has become necessary. This subject was presented to Congress in a special communication in February last, with my approval and the approval of the Secretary of the Interior, and the suggestions contained in said communication were embraced in the bill that was reported to the House by the Committee on Patents at the last session. The subject of the reorganization of the Patent Office, as contemplated by the bill referred to, is one of such importance to the industrial interests of the country that I commend it to the attention of Congress.

The Commissioner also treats the subject of the separation of the Patent Office from the Department of the Interior. This subject is also embraced in the bill heretofore referred to. The Commissioner complains of the want of room for the model gallery and for the working force and necessary files of the office. It is impossible to transact the

business of the office properly without more room in which to arrange files and drawings, that must be consulted hourly in the transaction of business. The whole of the Patent Office building will soon be needed, if it is not already, for the accommodation of the business of the Patent Office.

PENSIONS.

The amount paid for pensions in the last fiscal year was $30,169,340, an amount larger by $3,708,434 than was paid during the preceding year. Of this amount $2,313,409 were paid under the act of Congress of February 17, 1871, to survivors of the War of 1812. The annual increase of pensions by the legislation of Congress has more than kept pace with the natural yearly losses from the rolls. The act of Congress of June 8, 1872, has added an estimated amount of $750,000 per annum to the rolls, without increasing the number of pensioners. We can not, therefore, look for any substantial decrease in the expenditures of this Department for some time to come, or so long as Congress continues to so change the rates of pension.

The whole number of soldiers enlisted in the War of the Rebellion was 2,688,523. The total number of claims for invalid pensions is 176,000, being but 6 per cent of the whole number of enlisted men. The total number of claims on hand at the beginning of the year was 91,689; the number received during the year was 26,574; the number disposed of was 39,178, making a net gain of 12,604. The number of claims now on file is 79,085.

On the 30th of June, 1872, there were on the rolls the names of 95,405 invalid military pensioners, 113,518 widows, orphans, and dependent relatives, making an aggregate of 208,923 army pensioners. At the same time there were on the rolls the names of 1,449 navy pensioners and 1,730 widows, orphans, and dependent relatives, making the whole number of naval pensioners 3,179. There have been received since the passage of the act to provide pensions for the survivors of the War of 1812 36,551 applications, prior to June 30, 1872. Of these there were allowed during the last fiscal year 20,126 claims; 4,845 were rejected during the year, leaving 11,580 claims pending at that date. The number of pensions of all classes granted during the last fiscal year was 33,838. During that period there were dropped from the rolls, for various causes, 9,104 names, leaving a grand total of 232,229 pensioners on the rolls on the 30th of June, 1872.

It is thought that the claims for pensions on account of the War of 1812 will all be disposed of by the 1st of May, 1873. It is estimated that $30,480,000 will be required for the pension service during the next fiscal year.

THE CENSUS.

The Ninth Census is about completed. Its early completion is a subject of congratulation, inasmuch as the use to be made of the statistics

therein contained depends very greatly on the promptitude of publication.

The Secretary of the Interior recommends that a census be taken in 1875, which recommendation should receive the early attention of Congress. The interval at present established between the Federal census is so long that the information obtained at the decennial period as to the material condition, wants, and resources of the nation is of little practical value after the expiration of the first half of that period. It would probably obviate the constitutional provision regarding the decennial census if a census taken in 1875 should be divested of all political character and no reapportionment of Congressional representation be made under it. Such a census, coming, as it would, in the last year of the first century of our national existence, would furnish a noble monument of the progress of the United States during that century.

EDUCATION.

The rapidly increasing interest in education is a most encouraging feature in the current history of the country, and it is no doubt true that this is due in a great measure to the efforts of the Bureau of Education. That office is continually receiving evidences, which abundantly prove its efficiency, from the various institutions of learning and educators of all kinds throughout the country.

The report of the Commissioner contains a vast amount of educational details of great interest. The bill now pending before Congress, providing for the appropriation of the net proceeds of the sales of public lands for educational purposes, to aid the States in the general education of their rising generation, is a measure of such great importance to our real progress and is so unanimously approved by the leading friends of education that I commend it to the favorable attention of Congress.

TERRITORIES.

Affairs in the Territories are generally satisfactory. The energy and business capacity of the pioneers who are settling up the vast domains not yet incorporated into States are keeping pace in internal improvements and civil government with the older communities. In but one of them (Utah) is the condition of affairs unsatisfactory, except so far as the quiet of the citizen may be disturbed by real or imaginary danger of Indian hostilities. It has seemed to be the policy of the legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it.

I recommend a careful revision of the present laws of the Territory by Congress, and the enactment of such a law (the one proposed in Congress at its last session, for instance, or something similar to it) as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

Since the establishment of a Territorial government for the District of Columbia the improvement of the condition of the city of Washington and surroundings and the increased prosperity of the citizens are observable to the most casual visitor. The nation, being a large owner of property in the city, should bear, with the citizens of the District, its just share of the expense of these improvements.

I recommend, therefore, an appropriation to reimburse the citizens for the work done by them along and in front of public grounds during the past year, and liberal appropriations in order that the improvements and embellishments of the public buildings and grounds may keep pace with the improvements made by the Territorial authorities.

AGRICULTURE.

The report of the Commissioner of Agriculture gives a very full and interesting account of the several divisions of that Department—the horticultural, agricultural, statistical, entomological, and chemical—and the benefits conferred by each upon the agricultural interests of the country. The whole report is a complete history, in detail, of the workings of that Department in all its branches, showing the manner in which the farmer, merchant, and miner is informed, and the extent to which he is aided in his pursuits.

The Commissioner makes one recommendation—that measures be taken by Congress to protect and induce the planting of forests—and suggests that no part of the public lands should be disposed of without the condition that one-tenth of it should be reserved in timber where it exists, and where it does not exist inducements should be offered for planting it.

CENTENNIAL CELEBRATION.

In accordance with the terms of the act of Congress approved March 3, 1871, providing for the celebration of the one hundredth anniversary of American independence, a commission has been organized, consisting of two members from each of the States and Territories. This commission has held two sessions, and has made satisfactory progress in the organization and in the initiatory steps necessary for carrying out the provisions of the act, and for executing also the provisions of the act of June 1, 1872, creating a centennial board of finance. A preliminary report of progress has been received from the president of the commission, and is herewith transmitted. It will be the duty of the commission at your coming session to transmit a full report of the progress made, and to lay before you the details relating to the exhibition of American and foreign arts, products, and manufactures, which by the terms of the act is to be held under the auspices of the Government of the United States in the city of Philadelphia in the year 1876.

This celebration will be looked forward to by American citizens with great interest, as marking a century of greater progress and prosperity

than is recorded in the history of any other nation, and as serving a further good purpose in bringing together on our soil peoples of all the commercial nations of the earth in a manner calculated to insure international good feeling.

CIVIL SERVICE.

An earnest desire has been felt to correct abuses which have grown up in the civil service of the country through the defective method of making appointments to office. Heretofore Federal offices have been regarded too much as the reward of political services. Under authority of Congress rules have been established to regulate the tenure of office and the mode of appointments. It can not be expected that any system of rules can be entirely effective and prove a perfect remedy for the existing evils until they have been thoroughly tested by actual practice and amended according to the requirements of the service. During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government, but it will require the direct action of Congress to render the enforcement of the system binding upon my successors; and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of this question and secure to the public service for all time a practical method of obtaining faithful and efficient officers and employees.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 2, 1872.*

To the Senate and House of Representatives:

I transmit herewith a report, dated the 2d instant, received from the Secretary of State, supplementary to the report submitted by him under date of the 8th of November, 1871, with reference to the expenditures authorized by the fourth and fifth paragraphs of the act of March 3, 1871, and by the act of May 18, 1872, making appropriations for the increased expenses and compensation for extraordinary services of certain diplomatic and consular officers of the United States by reason of the late war between France and Prussia. These expenditures have been made on my approval.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate and House of Representatives:

I transmit herewith to Congress a report, dated the 2d instant, with the accompanying papers,* received from the Secretary of State, in com-

* Report of fees collected, etc., by consular officers of the United States for 1871, and tariff of consular fees.

pliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States of America and the United States of Mexico, signed in this city on the 27th ultimo, further extending the time fixed by the convention between the same parties of the 4th of July, 1868, for the duration of the joint commission on the subject of claims.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States of America and the Republic of Ecuador, providing for the mutual surrender of fugitive criminals, signed at Quito on the 28th of June last.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the King of Denmark, relating to naturalization.

U. S. GRANT.

WASHINGTON, *December 9, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th instant, I transmit herewith a report* from the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *December 12, 1872.*

To the House of Representatives:

In compliance with section 2 of the act making appropriations for the consular and diplomatic expenses of the Government for the year ended June 30, 1871, and for other purposes, I herewith transmit a report received from the Secretary of the Treasury, giving the name of, the report made by, and the amount paid to the single consular agent of the United States.†

U. S. GRANT.

*Stating that the correspondence relative to the existence of slavery on the coast of Africa and to the action taken by Great Britain and other countries for its suppression was transmitted with the annual message of the President on the 2d instant.

† De B. Randolph Keim.

WASHINGTON, *December 16, 1872.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, accompanied by that of the commissioners for inquiring into depredations upon the frontier of the State of Texas, appointed pursuant to the joint resolution of the 7th of May last.

U. S. GRANT.

WASHINGTON, *January 5, 1873.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Honduras, which was signed at Comayagua on the 4th day of June, 1873.

U. S. GRANT.

WASHINGTON, *January 13, 1873.*

To the House of Representatives:

In answer to resolution of the House of Representatives of the 16th of December last, calling for information relative to the condition of affairs in Louisiana, and what, if any, action has been taken in regard thereto, I herewith transmit the report of the Attorney-General and the papers by which it is accompanied.

U. S. GRANT.

WASHINGTON, *January 22, 1873.*

To the Senate of the United States:

I transmit herewith to the Senate, for its consideration with a view to ratification, an additional article to the treaty between the United States and Her Britannic Majesty of the 8th of May, 1871.

U. S. GRANT.

EXECUTIVE MANSION, *January 31, 1873.*

To the Senate and House of Representatives:

In compliance with section 2 of the act approved July 11, 1870, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes," I have the honor to submit herewith a letter of the Secretary of the Treasury relative to the consular agent* appointed under authority of said act, together with the amounts paid such agent, and to transmit the report of the said agent upon the consular service of the United States.

U. S. GRANT.

*De L. Randolph Keim.

WASHINGTON, *February 8, 1873.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 29th of January, requesting information in relation to the case of Bernhard Bernstein,* I transmit herewith a report from the Secretary of State upon that subject, with accompanying documents.

U. S. GRANT.

WASHINGTON, *February 13, 1873.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State and accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *February 14, 1873.*

To the Senate and House of Representatives:

I consider it my duty to call the attention of Congress to the condition of affairs in the Territory of Utah, and to the dangers likely to arise if it continues during the coming recess, from a threatened conflict between the Federal and Territorial authorities.

No discussion is necessary in regard to the general policy of Congress respecting the Territories of the United States, and I only wish now to refer to so much of that policy as concerns their judicial affairs and the enforcement of law within their borders.

No material differences are found in respect to these matters in the organic acts of the Territories, but an examination of them will show that it has been the invariable policy of Congress to place and keep their civil and criminal jurisdiction, with certain limited exceptions, in the hands of persons nominated by the President and confirmed by the Senate, and that the general administration of justice should be as prescribed by Congressional enactment. Sometimes the power given to the Territorial legislatures has been somewhat larger and sometimes somewhat smaller than the powers generally conferred. Never, however, have powers been given to a Territorial legislature inconsistent with the idea that the general judicature of the Territory was to be under the direct supervision of the National Government.

Accordingly, the organic law creating the Territory of Utah, passed September 9, 1850, provided for the appointment of a supreme court, the judges of which are judges of the district courts, a clerk, marshal, and an attorney, and to these Federal officers is confided jurisdiction in all important matters; but, as decided recently by the Supreme Court, the

*Claim against Russia for illegal arrest and imprisonment.

†Report of the United States commissioner to the International Penitentiary Congress of London, and appendix containing summary of proceedings of the National Prison Congress of Baltimore.

act requires jurors to serve in these courts to be selected in such manner as the Territorial legislature sees fit to prescribe. It has undoubtedly been the desire of Congress, so far as the same might be compatible with the supervisory control of the Territorial government, to leave the minor details connected with the administration of law to regulation by local authority; but such a desire ought not to govern when the effect will be, owing to the peculiar circumstances of the case, to produce a conflict between the Federal and the Territorial authorities, or to impede the enforcement of law, or in any way to endanger the peace and good order of the Territory.

Evidently it was never intended to intrust the Territorial legislature with power which would enable it, by creating judicatures of its own or increasing the jurisdiction of courts appointed by Territorial authority, although recognized by Congress, to take the administration of the law out of the hands of the judges appointed by the President or to interfere with their action.

Several years of unhappy experience make it apparent that in both of these respects the Territory of Utah requires special legislation by Congress.

Public opinion in that Territory, produced by circumstances too notorious to require further notice, makes it necessary, in my opinion, in order to prevent the miscarriage of justice and to maintain the supremacy of the laws of the United States and of the Federal Government, to provide that the selection of grand and petit jurors for the district courts, if not put under the control of Federal officers, shall be placed in the hands of persons entirely independent of those who are determined not to enforce any act of Congress obnoxious to them, and also to pass some act which shall deprive the probate courts, or any court created by the Territorial legislature, of any power to interfere with or impede the action of the courts held by the United States judges.

I am convinced that so long as Congress leaves the selection of jurors to the local authorities it will be futile to make any effort to enforce laws not acceptable to a majority of the people of the Territory, or which interfere with local prejudices or provide for the punishment of polygamy or any of its affiliated vices or crimes.

I presume that Congress, in passing upon the subject, will provide all reasonable and proper safeguards to secure honest and impartial jurors, whose verdicts will command confidence and be a guaranty of equal protection to all good and law-abiding citizens, and at the same time make it understood that crime can not be committed with impunity.

I have before said that while the laws creating the several Territories have generally contained uniform provisions in respect to the judiciary, yet Congress has occasionally varied these provisions in minor details, as the circumstances of the Territory affected seemed to demand; and in creating the Territory of Utah Congress evidently thought that circumstances

there might require judicial remedies not necessary in other Territories, for by section 9 of the act creating that Territory it is provided that a writ of error may be brought from the decision of any judge of the supreme or district court of the Territory to the Supreme Court of the United States upon any writ of *habeas corpus* involving the question of personal freedom—a provision never inserted in any other Territorial act except that creating the Territory of New Mexico.

This extraordinary provision shows that Congress intended to mold the organic law to the peculiar necessities of the Territory, and the legislation which I now recommend is in full harmony with the precedent thus established.

I am advised that United States courts in Utah have been greatly embarrassed by the action of the Territorial legislature in conferring criminal jurisdiction and the power to issue writs of *habeas corpus* on the probate courts in the Territory, and by their consequent interference with the administration of justice. Manifestly the legislature of the Territory can not give to any court whatever the power to discharge by *habeas corpus* persons held by or under process from the courts created by Congress, but complaint is made that persons so held have been discharged in that way by the probate courts. I can not doubt that Congress will agree with me that such a state of things ought not longer to be tolerated, and that no class of persons anywhere should be allowed to treat the laws of the United States with open defiance and contempt.

Apprehensions are entertained that if Congress adjourns without any action upon this subject turbulence and disorder will follow, rendering military interference necessary—a result I should greatly deprecate; and in view of this and other obvious considerations, I earnestly recommend that Congress, at the present session, pass some act which will enable the district courts of Utah to proceed with independence and efficiency in the administration of law and justice.

U. S. GRANT.

WASHINGTON, *February 17, 1873.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 14th instant, adopted in executive session, requiring of the Secretary of State information touching the business before the late mixed commission on claims under the convention with Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *February 24, 1873.*

To the Senate and House of Representatives:

In my annual message to Congress at the opening of the second session of the present Congress, in December, 1871, I recommended the legislation

necessary on the part of the United States to bring into operation the articles of the treaty of Washington of May 8, 1871, relative to the fisheries and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions That legislation on the part of Great Britain and its possessions had not then been had.

Having, prior to the meeting of Congress in December last, received official information of the consideration by Great Britain and its possessions of the legislation necessary on their part to bring those articles into operation, I communicated that fact to Congress in my annual message at the opening of the present session, and renewed the recommendation for your early adoption of the legislation in the same direction necessary on the part of this Government.

The near approach of the end of the session induces me again to urgently call your attention to the importance of this legislation on the part of Congress.

It will be remembered that the treaty of Washington resulted from an overture on the part of Great Britain to treat with reference to the fisheries on the coast of Her Majesty's possessions in North America and other questions between them affecting the relations of the United States toward these possessions. To this overture a reply was made on the part of this Government that while appreciating the importance of a friendly and complete understanding between the two Governments with reference to the subject specially suggested by the British Government, it was thought that the removal of the differences growing out of what were generically known as the Alabama claims was essential to the restoration of cordial and amicable relations between the two Governments, and the assent of this Government to treat on the subject of the fisheries was made dependent on the assent of Great Britain to allow the joint commission which it had prepared on the questions suggested by that Government to treat also and settle the differences growing out of the Alabama claims.

Great Britain assented to this, and the treaty of Washington proposed a settlement of both classes of questions.

Those relating to the Alabama claims and to the northwestern water boundary, commonly known as the San Juan question, have been disposed of in pursuance of the terms of the treaty.

Those relating to the fisheries were made by the terms of the treaty to depend upon the legislation which the constitutions of the respective Governments made necessary to carry those provisions into effect.

Great Britain and her possessions have on their part enacted the necessary legislation.

This Government is now enjoying the advantages of those provisions of the treaty which were the result of the condition of its assent to treat upon the questions which Great Britain had submitted.

The tribunal at Geneva has made an award in favor of the United States on the Alabama claims, and His Majesty the Emperor of Germany has decided in favor of the contention of the United States on the northwestern boundary line.

I can not urge too strongly the importance of your early consideration of the legislation that may be necessary on the part of this Government.

In addition to the claim that Great Britain may have upon the good faith of this Government to consider the legislation necessary in connection with the questions which that Government presented as the subject of a negotiation which has resulted so favorably to this Government upon the other questions in which the United States felt so much interest, it is of importance that the rights of the American fishermen, as provided for under the treaty, should be determined before the now approaching fishing season opens, and that the serious difficulties to the fishing interests and the grave questions between the two Governments that may arise therefrom be averted.

U. S. GRANT.

EXECUTIVE MANSION, *February 25, 1873.*

To the Senate and House of Representatives:

Your attention is respectfully invited to the condition of affairs in the State of Louisiana.

Grave complications have grown out of the election there on the 6th of November last, chiefly attributable, it is believed, to an organized attempt on the part of those controlling the election officers and returns to defeat in that election the will of a majority of the electors of the State. Different persons are claiming the executive offices, two bodies are claiming to be the legislative assembly of the State, and the confusion and uncertainty produced in this way fall with paralyzing effect upon all its interests.

Controversy arose as soon as the election occurred over its proceedings and results, but I declined to interfere until suit involving this controversy to some extent was brought in the circuit court of the United States under and by virtue of the act of May 31, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes."

Finding that resistance was made to judicial process in that suit, without any opportunity, and, in my judgment, without any right, to review the judgment of the court upon the jurisdictional or other questions arising in the case, I directed the United States marshal to enforce such process and to use, if necessary, troops for that purpose, in accordance with the thirteenth section of said act, which provides that "it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States or of the militia as

shall be necessary to aid in the execution of judicial process under this act."

Two bodies of persons claimed to be the returning board for the State, and the circuit court in that case decided that the one to which Lynch belonged, usually designated by his name, was the lawful returning board; and this decision has been repeatedly affirmed by the district and supreme courts of the State. Having no opportunity or power to canvass the votes, and the exigencies of the case demanding an immediate decision, I conceived it to be my duty to recognize those persons as elected who received and held their credentials to office from what then appeared to me to be, and has since been decided by the supreme court of the State to be, the legal returning board.

Conformably to the decisions of this board, a full set of State officers has been installed and a legislative assembly organized, constituting, if not a *de jure*, at least a *de facto* government, which, since some time in December last, has had possession of the offices and been exercising the usual powers of government; but opposed to this has been another government claiming to control the affairs of the State, and which has to some extent been *pro forma* organized.

Recent investigation into said election has developed so many frauds and forgeries as to make it doubtful what candidates received a majority of the votes actually cast, and in view of these facts a variety of action has been proposed. I have no specific recommendation to make upon the subject, but if there is any practicable way of removing these difficulties by legislation, then I earnestly request that such action may be taken at the present session of Congress.

It seems advisable that I should state now what course I shall feel bound to pursue in reference to the matter in the event of no action by Congress at this time. Subject to any satisfactory arrangement that may be made by the parties to the controversy, which of all things is the most desirable, it will be my duty, so far as it may be necessary for me to act, to adhere to that government heretofore recognized by me. To judge of the election and qualifications of its members is the exclusive province of the Senate, as it is also the exclusive province of the House to judge of the election and qualifications of its members; but as to State offices, filled and held under State laws, the decisions of the State judicial tribunals, it seems to me, ought to be respected.

I am extremely anxious to avoid any appearance of undue interference in State affairs, and if Congress differs from me as to what ought to be done I respectfully urge its immediate decision to that effect; otherwise I shall feel obliged, as far as I can by the exercise of legitimate authority, to put an end to the unhappy controversy which disturbs the peace and prostrates the business of Louisiana, by the recognition and support of that government which is recognized and upheld by the courts of the State.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *January 6, 1873.*

To the House of Representatives:

I return herewith, for the further consideration of Congress, House bill No. 2291, entitled "An act for the relief of Edmund Jussen," to which I have not appended my approval, for the following reasons:

The bill directs the accounting officers to transfer from Mr. Jussen's account to that of his successor all indebtedness arising from the loss or destruction or nontaking of warehouse bonds on certain spirits destroyed by fire. This provision would be wholly ineffective in so far as it proposes to increase the liability of Mr. Jussen's successor, he having been appointed subsequently to the destruction of the spirits. It might operate to relieve Mr. Jussen, but it seems probable that he is already relieved by the act of May 27, 1872, passed since the introduction of this bill. That act provides for the rebatement of taxes on distilled spirits destroyed by fire, except in cases where the owners of such spirits may be indemnified against tax by a valid claim of insurance. The relief of the taxpayers of course includes the relief of collectors from liability caused by failure to take bonds. It does not appear whether there was any insurance in this case. If not, the applicant is already relieved; but if there was an insurance the effect of this bill, if it became a law, might be to except Mr. Jussen from the operation of the general rule established by the proviso of the act of May 27, 1872. If such exception be proper, it should not be confined to an individual case, but extended to all. If there was an insurance, this bill would relieve Mr. Jussen from the liability with which it is very doubtful if his successor could be legally charged, or with which he ought to be charged.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1873.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I herewith return to the House of Representatives, in which it originated, H. R. No. 630, entitled "An act in relation to new trials in the Court of Claims," without my approval.

The object of the bill is to reduce from two years to six months the time in which a new trial, upon motion of the United States, may be granted in the Court of Claims.

Great difficulties are now experienced in contesting fraudulent and unjust claims against the Government prosecuted in said court, and the effect of this bill, if it becomes a law, will be to increase those difficulties. Persons sue in this court generally with the advantage of a personal knowledge of the circumstances of the case, and are prompted by personal interest to activity in its preparation for trial, which consists

sometimes in the production of false testimony and the suppression of the truth, while the United States are dependent for defense upon such inquiries as the officers of the Government, generally strangers to the transaction, are enabled to make, not infrequently in remote parts of the country and among those not averse to depredations upon the National Treasury. Instances have occurred where the existing opportunities for a new trial have enabled the Government to discover and defeat claims that ought not to have been allowed, after judgments thereon had been rendered by the Court of Claims.

By referring to the act which it is proposed to modify it will be seen that the payment of judgments recovered is not necessarily suspended for two years; but where the proofs are doubtful or suspicious the Government may appeal to the Supreme Court, and in the meantime may avail itself of any discovery or revelation of new evidence touching the facts of the case.

I fail to see the necessity or advantages of the proposed change in the law, and whatever may be the purposes of the bill, its effect, if passed, I am apprehensive will be to facilitate the prosecution of fraudulent claims against the United States. Believing that justice can and will be done to honest claimants in the Court of Claims as the law now stands, and believing also that the proposed change in the law will remove a valuable safeguard to the Treasury, I must for these reasons respectfully withhold my assent to the bill.

U. S. GRANT.

EXECUTIVE MANSION, *January 29, 1873.*

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which $18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding $25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury can not be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted, and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy and the most favorable consideration of their claims by the Government, I would heartily favor a donation of the amount appropriated by this bill for their relief.

U. S. GRANT.

WASHINGTON, *February 8, 1873.*

To the House of Representatives:

I have the honor to return herewith House bill (H. R. 2852) entitled "An act for the relief of James A. McCullah, late collector of the fifth district of Missouri," without my approval, for the following reasons:

It is provided in section 34 of the act of June 30, 1864, as amended by the act of July 13, 1866, that it shall be proved to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by the collector, who shall certify the facts to the First Comptroller. This bill, should it become a law, clearly excuses Mr. McCullah, late collector, from showing that he used due diligence for the collection of the tax in question while the lists remained in his hands.

U. S. GRANT.

EXECUTIVE MANSION, *February 11, 1873.*

To the Senate of the United States:

I return herewith without my approval Senate bill No. 161, entitled "An act for the relief of those suffering from the destruction of salt works near Manchester, Ky., pursuant to the order of Major-General Carlos Buell."

All the objections made by me to the bill for the relief of J. Milton Best, and also of the East Tennessee University, apply with equal force to this bill.

According to the official report of Brigadier-General Craft, by whose immediate command the property in question was destroyed, there was a large rebel force in the neighborhood, who were using the salt works and had carried away a considerable quantity of salt, and were preparing to take more as soon as the necessary transportation could be procured; and he further states "that the leaders of the rebellion calculated upon their supply of salt to come from these works," and that in his opinion their destruction was a military necessity. I understand him to say, in effect, that the salt works were captured from the rebels; that it was impracticable to hold them, and that they were demolished so as to be of no further use to the enemy.

I can not agree that the owners of property destroyed under such circumstances are entitled to compensation therefor from the United States. Whatever other view may be taken of the subject, it is incontrovertible that these salt works were destroyed by the Union Army while engaged in regular military operations, and that the sole object of their destruction was to weaken, cripple, or defeat the armies of the so-called Southern Confederacy.

I am greatly apprehensive that the allowance of this claim could and would be construed into the recognition of a principle binding the United States to pay for all property which their military forces destroyed in the late war for the Union. No liability by the Government to pay for property destroyed by the Union forces in conducting a battle or siege has yet been claimed, but the precedent proposed by this bill leads directly and strongly in that direction, for it is difficult upon any ground of reason or justice to distinguish between a case of that kind and the one under consideration. Had General Craft and his command destroyed the salt works by shelling out the enemy found in their actual occupancy, the case would not have been different in principle from the one presented in this bill. What possible difference can it make in the rights of owners or the obligations of the Government whether the destruction was in driving the enemy out or in keeping them out of the possession of the salt works?

This bill does not present a case where private property is taken for public use in any sense of the Constitution. It was not taken from the owners, but from the enemy; and it was not then used by the Government, but destroyed. Its destruction was one of the casualties of war, and, though not happening in actual conflict, was perhaps as disastrous to the rebels as would have been a victory in battle.

Owners of property destroyed to prevent the spread of a conflagration, as a general rule, are not entitled to compensation therefor; and for reasons equally strong the necessary destruction of property found in the hands of the public enemy, and constituting a part of their military supplies, does not entitle the owner to indemnity from the Government for damages to him in that way.

I fully appreciate the hardship of the case, and would be glad if my convictions of duty allowed me to join in the proposed relief; but I can not consent to the doctrine which is found in this bill, as it seems to me, by which the National Treasury is exposed to all claims for property injured or destroyed by the armies of the United States in the late protracted and destructive war in this country.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States,

have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, [SEAL.] the 21st day of February, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *January 17, 1873.*

Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him or otherwise under the Constitution and laws of the United States, while holding such Federal positions, accept offices under the authority of the States and Territories in which they reside, or of municipal corporations under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority; and

Whereas it is believed that, with few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and, moreover, is not in harmony with the genius of the Government:

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that from and after the 4th day of March, A. D. 1873 (except as herein specified), persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government or under the charter or ordinances of any municipal corporation; and further, that

the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be and will be treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, of bail, or to administer oaths shall not be deemed within the purview of this order, and are excepted from its operation and may be held by Federal officers.

The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs; and deputy postmasters the emoluments of whose office do not exceed $600 per annum are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster.

Heads of Departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective Departments or offices and as relates to the several persons holding appointments under them, respectively.

By order of the President:

HAMILTON FISH,
Secretary of State.

DEPARTMENT OF STATE,
Washington, January 28, 1873.

Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th January, relating to the holding of State or municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councilman of a town or village, or of appointments under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary

or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority. Positions and service on such boards or committees and professorships in colleges are not regarded as "offices" within the contemplation of the Executive order, but as employments or service in which all good citizens may be engaged without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may therefore engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the Department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus in some sense under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of the 17th January is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also whether it applies to mechanics employed by the day in the armories, arsenals, and navy-yards, etc., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the Department under which the office is held will in each case be the judge. Employment by the day as mechanics and laborers in the armories, arsenals, navy-yards, etc., does not constitute an office of any kind, and those thus employed are not within the contemplation of the Executive order. Master workmen and others who hold appointments from the Government or from any Department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order.

By order of the President:

HAMILTON FISH,
Secretary of State.

SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and, so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began, the country had not recovered from the effects of a great internal revolution, and three of the former States of the Union had not been restored to their Federal relations.

It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending toward republicanism, or government by the people through their chosen representatives, and that our own great Republic is destined to be the guiding star to all others.

Under our Republic we support an army less than that of any European power of any standing and a navy less than that of either of at least five of them. There could be no extension of territory on the continent which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with general progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States at the beginning of our national existence.

The effects of the late civil strife have been to free the slave and make him a citizen. Yet he is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected. To this correction I stand committed, so far as Executive influence can avail.

Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man, except to give him a fair chance to develop what there is good in him, give him access to the schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive.

The States lately at war with the General Government are now happily rehabilitated, and no Executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past Administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did then, that it was for the best interest of this country, for the people of Santo Domingo, and all concerned that the proposition should be received favorably. It was, however, rejected constitutionally, and therefore the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say here, however, that I do not share in the apprehension held by many as to the danger of governments becoming weakened and destroyed by reason of their extension of territory. Commerce, education, and rapid transit of thought and matter by telegraph and steam have changed all this. Rather do I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country; to the restoration of our currency to a fixed value as compared with the world's standard of values—gold—and, if possible, to a par with it; to the construction of cheap routes of transit throughout the land, to the end that the products of all may find a market and leave a living remuneration to the producer; to the maintenance of friendly relations with all our neighbors and with distant nations; to the reestablishment of our commerce and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports—the only sure method of returning to and permanently maintaining a specie basis; to the elevation of labor; and, by a humane course, to bring the aborigines of the country under the benign influences of education and civilization. It is either this or war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered and the question asked, Can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it.

All these things are not to be accomplished by one individual, but they

will receive my support and such recommendations to Congress as will in my judgment best serve to carry them into effect. I beg your support and encouragement.

It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation rules regulating methods of appointment and promotions were established and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assemblage, representing, as it does, every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me by returning me to the highest office within their gift, and the further obligation resting on me to render to them the best services within my power. This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event.

I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation. I performed a conscientious duty, without asking promotion or command, and without a revengeful feeling toward any section or individual.

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel that I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

MARCH 4, 1873.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, under the pretense that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration were not duly elected, certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said State; and

Whereas it has been duly certified by the proper local authorities and judicially determined by the inferior and supreme courts of said State

that said officers are entitled to hold their offices, respectively, and execute and discharge the functions thereof; and

Whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates, then as now in office, by refusing to take any action with respect thereto; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session, and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of May, A. D. 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty it was provided that—

Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.

And whereas by the first section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," it is provided—

That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the 8th day of May, 1871, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence.

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at the Department of State, in Washington, on the 7th day of June, 1873, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 7TH DAY OF JUNE, 1873.

Whereas it is provided by Article XXXIII of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXIII.

"The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterwards;" and

'Whereas, in accordance with the stipulations of the above-recited article, an act

was passed by the Imperial Parliament of Great Britain in the thirty-fifth and thirty-sixth years of the reign of Queen Victoria, intituled "An act to carry into effect a treaty between Her Majesty and the United States of America;" and

Whereas an act was passed by the senate and house of commons of Canada in the fifth session of the first parliament held in the thirty-fifth year of Her Majesty's reign and assented to in Her Majesty's name by the Governor-General on the 14th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the legislature of Prince Edwards Island and assented to by the lieutenant-governor of that colony on the 29th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, intituled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to fisheries:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Article XXX of the treaty aforesaid into operation have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the 1st day of July next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 7th day of June, 1873.

[SEAL.] (Signed) HAMILTON FISH.
[SEAL.] (Signed) EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of July, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States by the holding of an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine in the city of Philadelphia in the year 1876, it is provided as follows:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

And whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and

Whereas the president of the United States Centennial Commission has officially informed me of the dates fixed for the opening and closing of the said exhibition and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held at the city of Philadelphia, in the State of Pennsylvania, an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States, and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given me on the 13th day of September current by the Marquis de Noailles, envoy extraordinary and minister plenipotentiary from the French Republic, that on and after the 1st day of October next merchandise imported into France in vessels of the United States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandise imported into France from countries of its origin or from any other country in French vessels:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by law, do hereby declare and proclaim that on and after the 1st day of October next, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be and are discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of September, A. D. 1873, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The approaching close of another year brings with it the occasion for renewed thanksgiving and acknowledgment to the Almighty Ruler of the Universe for the unnumbered mercies which He has bestowed upon us.

Abundant harvests have been among the rewards of industry. With local exceptions, health has been among the many blessings enjoyed. Tranquillity at home and peace with other nations have prevailed.

Frugal industry is regaining its merited recognition and its merited rewards.

Gradually but, under the providence of God, surely, as we trust, the nation is recovering from the lingering results of a dreadful civil strife.

For these and all the other mercies vouchsafed it becomes us as a people to return heartfelt and grateful acknowledgments, and with our

thanksgiving for blessings we may unite prayers for the cessation of local and temporary sufferings.

I therefore recommend that on Thursday, the 27th day of November next, the people meet in their respective places of worship to make their acknowledgments to Almighty God for His bounties and His protection, and to offer to Him prayers for their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 14th day of October, A. D. 1873, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

EXECUTIVE ORDERS.

WASHINGTON, *March 14, 1873.*

In consequence of the peculiar and confidential relations which from the nature of the service must exist and be maintained between the Department of State and its clerks, rules 2, 3, and 4 of the rules and regulations for the civil service promulgated by the President 19th of December, 1871, as amended by the Executive order 16th of April, 1872, shall in their application to that Department be modified as follows, namely:

Vacancies occurring in any grade of consulates or clerkships in the Department may be filled either by transfer from some other grade or service—clerical, consular, or diplomatic—under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State, with proper certificates of character, responsibility, and capacity, in the manner provided for applications for consulates of which the lawful annual compensation is more than $1,000 and less than $3,000, and who has on examination been found qualified for the position.

U. S. GRANT.

[From the New-York Daily Tribune, May 10, 1873.]

WASHINGTON, *May 9, 1873.*

The President announces with deep regret the death of the Hon. Salmon P. Chase, Chief Justice of the United States, who closed a life of long public service, in the city of New York, on the 7th instant, having filled

the offices of Senator of the United States, governor of Ohio, Secretary of the Treasury, and crowning a long career in the exalted position of Chief Justice of the United States. The President directs that the public offices in Washington be closed on Saturday, the 10th instant, the day of his funeral, and that they be draped in mourning for the period of thirty days, and that the flags be displayed at half-mast on the public buildings and forts and on the national vessels on the day of the funeral, in honor of the memory of the illustrious dead.

By order of the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE MANSION,
Washington, D. C., May 21, 1873.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the employees of the Government to participate, in connection with the Grand Army of the Republic, in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

WASHINGTON, *August 5, 1873.*

The Civil Service Commission, at its session at Washington which terminated June 4, 1873, recommended certain further rules to be prescribed by the President for the government of the civil service of the United States. These rules as herewith published are approved, and their provisions will be enforced as rapidly as the proper arrangements can be made.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

FURTHER RULES FOR PROMOTING THE EFFICIENCY OF THE CIVIL SERVICE OF THE UNITED STATES.

Rule 1.—It being essential to the public welfare to maintain in the Executive the exercise of the power of nomination and appointment vested by the Constitution, and thereby to secure that measure of independence and separate responsibility which is contemplated by that instrument; and it being needful, in making such nominations and appointments, that the appointing power should obtain and in the proper Department preserve the evidence of fitness in reference to which all such nominations and appointments should be made: Therefore recommendations concerning any nomination or appointment to office or place in the civil service can not

* Addressed to the heads of the Executive Departments, etc.

be considered unless made in writing, signed by the person making them, setting forth the character of the person recommended and his qualifications for the office in reference to which the recommendation is made; nor, when the recommendation is by a person holding an office or station in or under the Government of the United States, can such written recommendation, except when made in response to a written request by the officer making the appointment, or in the discharge of an official duty imposed by the Constitution or the laws, be considered as entitled to any greater weight than if made by such person as a private individual. But this rule shall not apply to recommendations made by officers as to their own subordinates.

Rule 2.—While it is not the purpose of the rules and regulations prescribed for the government of the civil service either to restrict the power of removal or to extend the tenure of service, such power will not be exercised arbitrarily, and therefore applications must not be entertained by any authority having the duty of nomination or appointment for the removal of any person in the civil service, nor will any person be removed for the mere purpose of making a place for any other person.

Rule 3.—To prevent any misapprehension in the public mind in regard to the functions of the members of the Civil Service Commission and of the members of any board of examiners, it is declared not to be any part of the duty or authority of any such member to act upon, take part in, or in any way entertain any recommendation, application, or question concerning appointments or removals in respect of the civil service, otherwise than in the strict discharge of their respective duties as prescribed by the rules and regulations; and for the same purpose it is further declared that the functions of the members of said Commission as to the matters aforesaid extend only to the question of the proper rules and regulations to be made and to supervising their application, and that the functions of the examiners as to said matters extend only to preparing for, conducting, rating, and making reports concerning examinations required to be made under such rules and regulations.

Rule 4.—The grouping heretofore made for the Executive Departments at Washington is hereby modified by striking out the words "female clerks, copyists, and counters, at $900 a year," these places being below the grade of clerkships of class 1; and all applicants for such positions shall be examined in (1) penmanship, (2) copying, (3) elements of English grammar, chiefly orthography, and (4) fundamental rules of arithmetic, except that mere counters may be examined only in the fundamental rules of arithmetic and as to their facility in counting money; and those found competent by such examination shall be reported in the order of their excellence as eligible for appointment, and selections may be made by the appointing power, at discretion, from the list of those so reported, being at liberty to give preference to such as may be justly regarded as having the highest claims to public consideration by reason of loss of support or of property occasioned by the death or disability of any person in the defense of the Union in war or in other public service of the Government. And in the notices of the examination of females to fill vacancies among those last mentioned it shall be stated as follows: "That from among all those who shall pass a satisfactory examination the head of the Department will be at liberty to select such persons for the vacancies as may be justly regarded as having the highest claims to public consideration."

Rule 5.—The notices to appear at any examinations other than those referred to in the fourth rule of this series, so far as practicable and necessary to prevent misapprehension, shall advise female applicants to whom they may be sent of any limitation which the law or the necessities of the public service impose upon such applicants entering the vacancies for which the examinations are to take place.

Rule 6.—That it shall be the duty of the respective boards of examiners, on the written request of heads of Departments, to hold examinations in anticipation of vacancies, as well as to fill vacancies, and to prepare lists showing the results of competition, so that when any such vacancy may happen there shall be those thus

shown to be eligible to nomination or appointment, from whom the proper selection shall be made according to the provisions of the rules and regulations relating to competitive examination; and examinations upon like request shall be held in reference to vacancies to be filled under the fourth rule of this series.

Rule 7.—Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money for whose fidelity another officer has given official bonds may be appointed at discretion; but this rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

Rule 8.—In cases of defalcation or embezzlement of public money, or other emergency calling for immediate action, where the public service would be materially injured unless the vacancy is promptly filled without resorting to the methods of selection and appointment prescribed by the rules and regulations, or when a vacancy happens at a place remote and difficult of access and the methods prescribed for filling it can not be applied without causing delay injurious to the public service, the appointment may be made at discretion; but this rule shall not apply to any place which is provided to be filled under the rules of competitive examination.

Rule 9.—For the purpose of bringing the examinations for the civil service as near to the residences of those desiring to be examined as the appropriation at the command of the President will warrant, and for the further purpose of facilitating as far as practicable the making of selections for such service equably from the several portions of the Union, while at the same time preserving the principle of promoting merit as tested by fair competition, it is provided as follows:

(1) That the several States and Territories are grouped into five divisions, to be designated as civil-service districts, the said districts to be numbered consecutively from one to five, as follows:

I. The first district embraces the States of Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, and New York; and the examinations therein shall be held alternately at the city of New York and the city of Boston, but first at the city of New York.

II. The second district embraces the States of New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia; and the examinations therein shall be held at Washington.

III. The third district embraces the States of Ohio, Michigan, Indiana, Wisconsin, and Kentucky; and the examinations therein shall be held alternately at Cincinnati and Detroit, but first at Cincinnati.

IV. The fourth district embraces the States of Illinois, Missouri, Minnesota, Iowa, Kansas, Nebraska, Nevada, California, and Oregon, and also all the Territories except New Mexico and the District of Columbia; and the examinations therein shall be held at St. Louis.

V. The fifth district embraces the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Tennessee, together with the Territory of New Mexico; and the examinations therein shall be held alternately at the city of Savannah and the city of Memphis, but first at the city of Savannah.

(2) That in each of said districts examinations for admission to the civil service at Washington shall be conducted as hereinafter provided; and those whose residence is within any such district at the time of filing the application for examination shall be regarded as belonging to such district in reference both to competition and to appointments; and each district shall be treated as a sphere of competition, and those so residing therein, wherever examined, shall be regarded as competing only with each other; but a person residing in any district may be allowed or notified to be examined in any other district.

(3) All applications for examination for service at Washington must be addressed

to the head of the Department at that city which the applicant desires to enter, and be in conformity to the previous rules and regulations so far as the same are not modified by this series; and every such application must be dated, must give the town or municipality as well as the State or Territory where the applicant has his legal residence, and also his post-office address.

(4) Each of the heads of Departments will cause to be kept in permanent form a register of all such applicants for his Department, to be called a "Register of applicants," and will cause such applications to be preserved on file for convenient reference.

(5) The provisions of the former rules and regulations in reference to the examining boards in the Departments and in the other local offices in the various cities, so far as consistent herewith, are continued until otherwise ordered.

(6) The President will employ or designate a suitable person to be chief examiner, whose duty it will be, subject to the supervision of the Civil Service Commission, to promote uniformity in preparing for, conducting, reporting, and grading the examinations by said boards at Washington, and to prepare for, attend, supervise, and report the examinations herein provided to be held elsewhere than at Washington.

(7) The several heads of Departments must also cause to be made in permanent form and to be preserved a "Record of persons eligible for appointment," arranging under separate headings those resident in each separate district, wherein shall be entered the names of the persons who have been examined within twelve months now last past, and who are still eligible to nomination or appointment; and to such record must from time to time be added the names of those persons who shall hereafter pass an examination which shall show them to be so eligible for nomination or appointment. And such "Record of persons eligible for appointment" shall be so kept and the names therein be so classified that all those whose residences appearing as aforesaid to be in the same districts shall be tabulated together, so as to show their relative excellence in each said district, except that the names of all those examined under the fourth rule of this series shall be separately entered upon the "Record of persons eligible for appointment" for each Department, so as to show where they reside.

(8) That the officer having the power of making nomination or appointment may resort for that purpose to those so entered in the "Record of persons eligible for appointment" as residing in either of said civil-service districts; but (except in respect of those examined under said rule 4) the method of competition heretofore provided must be regarded as applying among those so registered as residing in any such district, and as requiring the nomination and appointment to be made from some one of the three persons graded as the highest on some one of said five several arrangements of persons so eligible.

(9) At a reasonable time before any examination is to take place each head of Department will furnish the chief examiner with a list of those to be examined, and ten days before any examination is to take place in any said district, elsewhere than at Washington, notice shall be sent by mail by such chief examiner to all such applicants residing or allowed to be examined in such district, stating the time and place of such examination and the other matters of which the rules and regulations require notice to be given.

(10) For the purpose of the examinations last mentioned the said chief examiner shall receive from the several heads of Departments at Washington and from the head of any local office which may request to have any examinations made of persons for said offices the names of those who are to be examined at any place outside of Washington, and shall make a list of the same, showing the date of the filing of each application, which he shall produce at the place of examination; and the examination shall be held of all those on such list who shall duly appear and submit thereto, provided the number be not so great, in the opinion of the examining board,

as to render the examination of the whole impracticable, in which event only a reasonable number, to be selected in the order of the date of the filing of their applications, need be examined.

(11) For each place outside of Washington where such examination is to be held the President will designate persons, to be, when practicable, suitable officers of the United States, who, together with such chief examiner, or some substituted departmental examiner from Washington to be sent in his place when such chief examiner can not attend, shall constitute the board for such examination; and by said persons, or a majority thereof, of whom such chief examiner or said substitute shall be one, such examinations shall be held and certified in a uniform manner; and the time occupied by each person examined shall be noted on the examination papers. The questions to be put to those examined as applicants through the request of either head of Department or head of local office shall be such as may be provided and as might be put if all such examinations were, or were to be, conducted under the rules and regulations by the examining boards of any such Department in Washington or by any such local board.

(12) The chief examiner or his substitute shall make reports to each Department and local office separately in respect of all such persons as either said head of Department or of a local office requested to be examined, and said reports, respectively, shall be accompanied by the examination papers of those so separately reported; and the board of examiners in each Department or local office shall make up and state the excellence of each person so reported as examined, and such excellence, being not below the minimum grade of 70 per cent, shall be duly entered in the "Record of persons eligible for appointment" in the proper district or local office.

(13) The district examinations herein provided for shall be held not more than twice in any one year in the same district, except in Washington, where an examination may be held in respect of each Department as frequently as the head of such Department, subject to the approval of the President, may direct; and all persons so examined in Washington, wherever they may reside, shall be entered on the "Record of persons eligible for appointment" equally as if examined elsewhere.

(14) Whenever the entry of the name of any person has been on the "Record of persons eligible for appointment" during eighteen consecutive months, such entry shall be marked "Time expired," and such name shall not again be placed thereon except as the result of another examination.

(15) Persons who may be required to be examined for any custom-house, post-office, or other local office or place of service other than Washington may be notified by the head of such office to appear and be examined at any examination provided for under this rule; and the result of such examination shall be reported by the chief examiner or his substitute to the proper examining board for such office or place, or to the head of the local office; and such board shall enter the name, with the proper indication of the grade of excellence, among those who are to compete at any such place or office, and from whom selection, on the basis of competition, shall be made.

(16) But where the result of any examination aforesaid shall show the excellence of any such applicant to be below the minimum grade of 70 per cent (on the basis of 100 as perfect), the only entry thereof to be made in registers of the Department or of local office shall be of the words "Not eligible," which shall be written against the name of such person in the register of applicants; and such applicant shall not be again examined for any Department or office within six months of the date of the former examination.

(17) The provisions of this rule do not apply to examinations for promotion, nor do they apply to the State Department, in which examinations will be conducted under the provisions of the Executive order of March 14, 1873.

(18) Subject to the other provisions of this rule, the times of holding the exami-

nations herein provided for in the first, third, fourth, and fifth districts, respectively, shall be fixed by the chief examiner after consultation with the heads of Departments at Washington. One examination, however, shall be held in each of the last-mentioned districts prior to the 1st day of November next, and the chief examiner shall on or before that date make a report in writing to the Civil Service Commission, setting forth generally the facts in regard to the examinations referred to in this rule and appropriate suggestions for increasing their usefulness.

Rule 10.—So many of the persons employed by the President under the ninth section of the act of March 3, 1871, as are referred to in the opinion of the Attorney-General of the date of August 31, 1871, under the name of the Civil Service Commission, and are still in such employment, together with the successors of those who have resigned, and their successors, shall hereafter be regarded as composing and shall be designated as "The Civil Service Commission;" and the use of the designation "Advisory Board," as referring to such persons, will be hereafter discontinued.

GENERAL ORDERS, No. 102.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 10, 1873.

The President of the United States commands it to be made known that all soldiers who have deserted their colors, and who shall, on or before the 1st day of January, 1874, surrender themselves at any military station, shall receive a full pardon, only forfeiting the pay and allowances due them at the time of desertion, and shall be restored to duty without trial or punishment on condition that they faithfully serve through the term of their enlistment.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

FIFTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1873.*

To the Senate and House of Representatives:

The year that has passed since the submission of my last message to Congress has, especially during the latter part of it, been an eventful one to the country. In the midst of great national prosperity a financial crisis has occurred that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions; and, finally, the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American Republics, and with Japan, nothing has occurred during the year to demand special notice. The correspondence between the Department of State and various diplomatic representatives in or from those countries is transmitted herewith.

In executing the will of Congress, as expressed in its joint resolution of the 14th of February last, and in accordance with the provisions of the resolution, a number of "practical artisans," of "scientific men," and of "honorary commissioners" were authorized to attend the exposition at Vienna as commissioners on the part of the United States. It is believed that we have obtained the object which Congress had in view when it passed the joint resolution—"in order to enable the people of the United States to participate in the advantages of the International Exhibition of the Products of Agriculture, Manufactures, and the Fine Arts to be held at Vienna." I take pleasure in adding that the American exhibitors have received a gratifying number of diplomas and of medals.

During the exposition a conference was held at Vienna for the purpose of consultation on the systems prevailing in different countries for the protection of inventions. I authorized a representative from the Patent Office to be present at Vienna at the time when this conference was to take place, in order to aid as far as he might in securing any possible additional protection to American inventors in Europe. The report of this agent will be laid before Congress.

It is my pleasant duty to announce to Congress that the Emperor of China, on attaining his majority, received the diplomatic representatives of the Western powers in person. An account of these ceremonies and of the interesting discussions which preceded them will be found in the documents transmitted herewith. The accompanying papers show that some advance, although slight, has been made during the past year toward the suppression of the infamous Chinese cooly trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's Government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a 5 per cent registered bond of the United States for $15,500,000, which is now held by the Secretary of State, subject to the future disposition of Congress.

I renew my recommendation, made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and

determining the amounts of the several "direct losses growing out of the destruction of vessels and their cargoes" by the *Alabama*, the *Florida*, or the *Shenandoah* after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva.

By an act approved on the 14th day of February last Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol and a copy of the map upon which the line was thus marked are contained in the papers submitted herewith.

I also transmit a copy of the report of the commissioner for marking the northern boundary between the United States and the British possessions west of the Lake of the Woods, of the operations of the commission during the past season. Surveys have been made to a point 497 miles west of the Lake of the Woods, leaving about 350 miles to be surveyed, the field work of which can be completed during the next season.

The mixed commission organized under the provisions of the treaty of Washington for settling and determining the claims of citizens of either power against the other arising out of acts committed against their persons or property during the period between April 13, 1861, and April 9, 1865, made its final award on the 25th day of September last. It was awarded that the Government of the United States should pay to the Government of Her Britannic Majesty, within twelve months from the date of the award, the sum of $1,929,819 in gold. The commission disallowed or dismissed all other claims of British subjects against the United States. The amount of the claims presented by the British Government, but disallowed or dismissed, is understood to be about $93,000,000. It also disallowed all the claims of citizens of the United States against Great Britain which were referred to it.

I recommend the early passage of an act appropriating the amount necessary to pay this award against the United States.

I have caused to be communicated to the Government of the King of Italy the thanks of this Government for the eminent services rendered by Count Corti as the third commissioner on this commission. With dignity, learning, and impartiality he discharged duties requiring great labor and constant patience, to the satisfaction, I believe, of both Governments. I recommend legislation to create a special court, to consist

of three judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature, arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of.

Official information being received from the Dutch Government of a state of war between the King of the Netherlands and the Sultan of Acheen, the officers of the United States who were near the seat of the war were instructed to observe an impartial neutrality. It is believed that they have done so.

The joint commission under the convention with Mexico of 1868, having again been legally prolonged, has resumed its business, which, it is hoped, may be brought to an early conclusion. The distinguished representative of Her Britannic Majesty at Washington has kindly consented, with the approval of his Government, to assume the arduous and responsible duties of umpire in this commission, and to lend the weight of his character and name to such decisions as may not receive the acquiescence of both the arbitrators appointed by the respective Governments.

The commissioners appointed pursuant to the authority of Congress to examine into the nature and extent of the forays by trespassers from that country upon the herds of Texas have made a report, which will be submitted for your consideration.

The Venezuelan Government has been apprised of the sense of Congress in regard to the awards of the joint commission under the convention of 25th April, 1866, as expressed in the act of the 25th of February last.

It is apprehended that that Government does not realize the character of its obligations under that convention. As there is reason to believe, however, that its hesitancy in recognizing them springs, in part at least, from real difficulty in discharging them in connection with its obligations to other governments, the expediency of further forbearance on our part is believed to be worthy of your consideration.

The Ottoman Government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject at as early a period as may be convenient is earnestly requested.

I transmit herewith, for the consideration and determination of Congress, an application of the Republic of Santo Domingo to this Government to exercise a protectorate over that Republic.

Since the adjournment of Congress the following treaties with foreign powers have been proclaimed: A naturalization convention with Denmark; a convention with Mexico for renewing the Claims Commission; a convention of friendship, commerce, and extradition with the Orange Free State, and a naturalization convention with Ecuador.

I renew the recommendation made in my message of December, 1870, that Congress authorize the Postmaster-General to issue all commissions to officials appointed through his Department.

I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there, and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left, embarrassed by conflicting opinions of courts and of jurists, to determine how far the doctrine of perpetual allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that—

> Any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation is inconsistent with the fundamental principles of this Government.

But Congress did not indicate in that statute, nor has it since done so, what acts are to be deemed to work expatriation. For my own guidance in determining such questions I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of

Congress, and I transmit herewith copies of the several opinions of the principal officers of the Executive Departments, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality. The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress, I transmitted to the American minister at Madrid, with instructions to present it to the Spanish Government, the joint resolution approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new Republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next, the Captain-General of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slaveholders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted. Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island. The struggle for political supremacy continues there.

The proslavery and aristocratic party in Cuba is gradually arraigning itself in more and more open hostility and defiance of the home govern-

ment, while it still maintains a political connection with the Republic in the peninsula; and although usurping and defying the authority of the home government whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid, and is recognized by the Government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara—an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression—has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer *Virginius* was on the 26th day of September, 1870, duly registered at the port of New York as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York and has not since been within the territorial jurisdiction of the United States. On the 31st day of October last, while sailing under the flag of the United States on the high seas, she was forcibly seized by the Spanish gunboat *Tornado*, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who were citizens of the United States, without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that—

> American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power is in derogation of the sovereignty of the United States.

In accordance with this principle, the restoration of the *Virginius* and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish Government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those who may be proved to have been guilty of illegal acts of violence toward citizens of the United States,

and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cipher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present I wish to renew the expression of my conviction that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba, cruelty to American citizens detected in no act of hostility to the Spanish Government, the murdering of prisoners taken with arms in their hands, and, finally, the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry have culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the Government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our Navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

Assuming from the action of the last Congress in appointing a Committee on Privileges and Elections to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State legislatures for ratification such an improvement in our Constitution, I suggest two others for your consideration:

First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure or measures originated, and, if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

Second. To provide by amendment that when an extra session of

Congress is convened by Executive proclamation legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it from time to time in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses and waste of public moneys which creep into appropriation bills and other important measures passing during the expiring hours of Congress, to which otherwise due consideration can not be given.

TREASURY DEPARTMENT.

The receipts of the Government from all sources for the last fiscal year were $333,738,204, and expenditures on all accounts $290,345,245, thus showing an excess of receipts over expenditures of $43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations and the same economy in administering the various Departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the public debt.

I commend to Congress such economy, and point out two sources where it seems to me it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

There is a still more fruitful source of expenditure, which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings in all sections of the country, and hope the day is not far distant when it will not only possess them, but will erect in the capital suitable residences for all persons who now receive commutation for quarters or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to

the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson and to provide by wise and well-considered legislation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis can not be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year and the prospective development of them for years to come are gratifying in their results. Could but one-half of the gold extracted from the mines be retained at home, our advance toward specie payments would be rapid.

To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have and to appreciate our currency to that standard is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based, as it is, upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Everyone holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than

during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid with a profit. Being subject to "call," it can not be loaned, only in part at best, to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country, it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn. Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the establishment of clearing houses for your consideration.

To secure the former many plans have been suggested, most, if not all, of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue (say 40 per cent), upon the banks' depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say, 4 per cent of the interest accruing on the bonds so pledged during the time they remain with the Treasurer as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency and the comparative contraction continuously going on, due to the increase of population, increase of manufactories and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing houses should be established, thus forcing redemption it is a question for your consideration whether banking

should not be made free, retaining all the safeguards now required to secure bill holders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention as a part of their reserve either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than 25,000 miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and, for want of savings banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow." The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American shipbuilding and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress for the last year in shipbuilding has been very satisfactory. There has been an increase of about 3 per cent in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained, and even increased. However, as we pay about $80,000,000 per annum to foreign

vessels for the transportation to a market of our surplus products, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

"Cheap transportation" is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

The State of New York has a canal connecting Lake Erie with tide water on the Hudson River. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois River, thus making water communication inland between the East and the West and South. These great artificial water courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after and keep in navigable condition the great public highways with which they connect, to wit, the Overslaugh on the Hudson, the St. Clair Flats, and the Illinois and Mississippi rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the seaboard and a market, and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

In attempting to regain our lost commerce and carrying trade I have heretofore called attention to the States south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made, accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira; thence to explore that river and its tributaries into Bolivia, and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration would cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws and the opening of

more mints for coining money, with authority to coin for such nations as may apply.

WAR DEPARTMENT.

The attention of Congress is invited to the recommendations contained in the report of the Secretary of War herewith accompanying.

The apparent great cost of supporting the Army is fully explained by this report, and I hope will receive your attention.

While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider: First, the importance of preparing for war in time of peace by providing proper armament for our seacoast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former can not. The second is the necessity of reopening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance departments.

At this time it is necessary to employ "contract surgeons" to supply the necessary medical attendance required by the Army.

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than regular army paymasters.

There are now sixteen vacancies in the Ordnance Department, thus leaving that branch of the service without sufficient officers to conduct the business of the different arsenals on a large scale if ever required.

NAVY DEPARTMENT.

During the past year our Navy has been depleted by the sale of some vessels no longer fit for naval service and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has no doubt been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean Sea, almost on our very seaboard, while they illustrate most forcibly the necessity always existing that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have

WAR VESSELS OF 1874

THE NAVY IN 1874

For a brief interval at the end of the Civil War, the monitors made our Navy the most powerful in the world. Then Congressional parsimony prevented the construction of new vessels and by denying the money necessary to make repairs, sent the war-worn veterans to the scrapheap. Before 1874 our Navy was the laughingstock of the world. Our naval weakness explains the several embroglios we got into with Cuban and Spanish authorities, who seized our vessels, arrested our consuls and shot our citizens with impunity. These incidents and the continual agitation of the subject by naval authorities at last converted the public. The Secretary of the Navy appointed a Board, of which John Rodgers was the head, to consider and report on the state of the Navy. That Board reported that the situation of the United States required a force of twenty-one battle-ships, seventy cruisers and numerous rams and torpedo-boats. Congress, profoundly moved, ordered the construction of one ram, which proved to be useless. The people were not satisfied, and Congress was forced to vote money for two cruisers. This disclosed the fact that the country did not contain a shipyard, a steel mill or rifling plant capable of doing the work. It was not until 1890 that we really began to build the new Navy, for in that year the lamented *Maine* was launched.

The story of the Navy is told in the article entitled "Navy," and "Navy Department," in the index (volume eleven). Our Presidents have always recognized the folly of unpreparedness and their recommendations regarding our naval power are especially valuable. The article, "Virginius, The," relates an incident of Spanish effrontery that occurred in 1873.

shall be put in immediate readiness for warlike service. This has been and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American Navy will be ready for whatever action is required for the safety of our citizens or the maintenance of our honor. This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately not only for the present preparation, but for the future maintenance of our naval force. The Secretary of the Navy has during the past year been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work than we could possibly have been without his action.

POST-OFFICE DEPARTMENT.

A complete exhibit is presented in the accompanying report of the Postmaster-General of the operations of the Post-Office Department during the year. The ordinary postal revenues for the fiscal year ended June 30, 1873, amounted to $22,996,741.57, and the expenditures of all kinds to $29,084,945.67. The increase of revenues over 1872 was $1,081,315.20, and the increase of expenditures $2,426,753.36.

Independent of the payments made from special appropriations for mail steamship lines, the amount drawn from the General Treasury to meet deficiencies was $5,265,475. The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails which are constantly being provided account for the increased expenditures of this popular branch of the public service.

The total number of post-offices in operation on June 30, 1873, was 33,244, a net increase of 1,381 over the number reported the preceding year. The number of Presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation June 30, 1873, extending over 14,866 miles of railroad routes and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to $2,021,310.86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year. The total cost of the United States ocean steamship service, including $725,000 paid from special appropriations to subsidized lines of mail steamers, was $1,047,271.35.

New or additional postal conventions have been concluded with Sweden, Norway, Belgium, Germany, Canada, Newfoundland, and Japan,

reducing postage rates on correspondence exchanged with those countries; and further efforts have been made to conclude a satisfactory postal convention with France, but without success.

I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than 10,000; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal savings depositories.

Your attention is also again called to a consideration of the question of postal telegraphs and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the best interests of the country.

DEPARTMENT OF JUSTICE.

Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of Clinton *vs.* Englebrecht, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the Territorial marshal can not lawfully perform that duty, because he is elected by the legislative assembly, and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end, and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus* and to try criminal cases and questions as to land titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but, if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt

in the transaction of their business, and though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet, on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors. People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and oftentimes accomplish the financial ruin, of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, besides, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves. I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War has demands for many millions of dollars upon its files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the Southern Claims Commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revive old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States cognizable by any tribunal or Department thereof be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the National Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

You will be advised of the operations of the Department of Justice by the report of the Attorney-General, and I invite your attention to the amendments of existing laws suggested by him, with the view of reducing the expenses of that Department.

DEPARTMENT OF THE INTERIOR.

The policy inaugurated toward the Indians at the beginning of the last Administration has been steadily pursued, and, I believe, with beneficial results. It will be continued with only such modifications as time and experience may demonstrate as necessary.

With the encroachment of civilization upon the Indian reservations and hunting grounds, disturbances have taken place between the Indians and whites during the past year, and probably will continue to do so until each race appreciates that the other has rights which must be respected.

The policy has been to collect the Indians as rapidly as possible on reservations, and as far as practicable within what is known as the Indian Territory, and to teach them the arts of civilization and self-support. Where found off their reservations, and endangering the peace and safety of the whites, they have been punished, and will continue to be for like offenses.

The Indian Territory south of Kansas and west of Arkansas is sufficient in area and agricultural resources to support all the Indians east of the Rocky Mountains. In time, no doubt, all of them, except a few who may elect to make their homes among white people, will be collected there. As a preparatory step for this consummation, I am now satisfied that a Territorial form of government should be given them, which will secure the treaty rights of the original settlers and protect their homesteads from alienation for a period of twenty years.

The operations of the Patent Office are growing to such a magnitude and the accumulation of material is becoming so great that the necessity of more room is becoming more obvious day by day. I respectfully invite your attention to the reports of the Secretary of the Interior and Commissioner of Patents on this subject.

The business of the General Land Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of out of the public lands 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of, 1,626,266 acres were sold for cash, 214,940 acres were located with military land warrants, 3,793,612 acres were taken for homesteads, 653,446 acres were located with agricultural-college scrip, 6,083,536 acres were certified by railroads, 76,576 acres were granted to wagon roads, 238,548 acres were approved to States as swamp lands, 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries, 190,775 acres were approved to States for internal improvements, and 14,222 acres were located with Indian scrip. The cash receipts during the same time were $3,408,515.50, being $190,415.50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed, an increase

over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain and for the transportation of surplus products enlarge the available field for desirable homestead locations, thus stimulating settlement and extending year by year in a gradually increasing ratio the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, as is understood, with the consent of their Government, if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would without doubt be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, $29,185,289.62, being an amount less by $984,050.98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension laws at the last session of Congress will absorb that amount the current year. At the close of the last fiscal year there were on the pension rolls 99,804 invalid military pensioners and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the War of 1812 and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid navy pensioners and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the Navy, making a total of navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

The system adopted for the detection of frauds against the Government in the matter of pensions has been productive of satisfactory results, but legislation is needed to provide, if possible, against the perpetration of such frauds in future.

The evidently increasing interest in the cause of education is a most encouraging feature in the general progress and prosperity of the country, and the Bureau of Education is earnest in its efforts to give proper direction to the new appliances and increased facilities which are being offered to aid the educators of the country in their great work.

The Ninth Census has been completed, the report thereof published and distributed, and the working force of the Bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country; and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence, would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

DISTRICT OF COLUMBIA.

Under the very efficient management of the governor and the board of public works of this District the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas mains being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures. The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he too is part owner in the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university of the highest class, by the donation of lands. There is no place better suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

CIVIL-SERVICE REFORM.

In three successive messages to Congress I have called attention to the subject of "civil-service reform."

Action has been taken so far as to authorize the appointment of a

board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance, where persons desire the appointment of a friend or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the Civil-Service Board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admission of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri River. As a rule I am opposed to further donations of public lands for internal improvements owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri River and the Rocky Mountains there is an arid belt of public land from 300 to 500 miles in width, perfectly valueless for the occupation of man, for the want of sufficient rain to secure the growth of any product. An irrigating canal would make productive a belt as wide as the supply of water could be made to spread over across this entire country, and would secure a cordon of settlements connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws, or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 2, 1873.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 2d instant, with accompanying papers,* received from the Secretary of State, in compliance with the requirements of the sixteenth and eighteenth sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Honduras, which was signed at Comayagua on the 4th day of June, 1873.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate and House of Representatives:

In my annual message of December last I gave reason to expect that when the full and accurate text of the correspondence relating to the steamer *Virginius*, which had been telegraphed in cipher, should be received the papers concerning the capture of the vessel, the execution of a part of its passengers and crew, and the restoration of the ship and the survivors would be transmitted to Congress.

In compliance with the expectations then held out, I now transmit the papers and correspondence on that subject.

On the 26th day of September, 1870, the *Virginius* was registered in the custom-house at New York as the property of a citizen of the United States, he having first made oath, as required by law, that he was "the true and only owner of the said vessel, and that there was no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested therein."

Having complied with the requisites of the statute in that behalf, she cleared in the usual way for the port of Curaçoa, and on or about the 4th day of October, 1870, sailed for that port. It is not disputed that she made the voyage according to her clearance, nor that from that day to this she has not returned within the territorial jurisdiction of the United States. It is also understood that she preserved her American papers,

*Report of fees collected, etc., by consular officers of the United States for 1872, list of consular officers and their official residences, and tariff of consular fees.

and that when within foreign ports she made the practice of putting forth a claim to American nationality, which was recognized by the authorities at such ports.

When, therefore, she left the port of Kingston, in October last, under the flag of the United States, she would appear to have had, as against all powers except the United States, the right to fly that flag and to claim its protection, as enjoyed by all regularly documented vessels registered as part of our commercial marine.

No state of war existed conferring upon a maritime power the right to molest and detain upon the high seas a documented vessel, and it can not be pretended that the *Virginius* had placed herself without the pale of all law by acts of piracy against the human race.

If her papers were irregular or fraudulent, the offense was one against the laws of the United States, justiciable only in their tribunals.

When, therefore, it became known that the *Virginius* had been captured on the high seas by a Spanish man-of-war; that the American flag had been hauled down by the captors; that the vessel had been carried to a Spanish port, and that Spanish tribunals were taking jurisdiction over the persons of those found on her, and exercising that jurisdiction upon American citizens, not only in violation of the rules of international law, but in contravention of the provisions of the treaty of 1795, I directed a demand to be made upon Spain for the restoration of the vessel and for the return of the survivors to the protection of the United States, for a salute to the flag, and for the punishment of the offending parties.

The principles upon which these demands rested could not be seriously questioned, but it was suggested by the Spanish Government that there were grave doubts whether the *Virginius* was entitled to the character given her by her papers, and that therefore it might be proper for the United States, after the surrender of the vessel and the survivors, to dispense with the salute to the flag, should such fact be established to their satisfaction.

This seemed to be reasonable and just. I therefore assented to it, on the assurance that Spain would then declare that no insult to the flag of the United States had been intended.

I also authorized an agreement to be made that should it be shown to the satisfaction of this Government that the *Virginius* was improperly bearing the flag proceedings should be instituted in our courts for the punishment of the offense committed against the United States. On her part Spain undertook to proceed against those who had offended the sovereignty of the United States, or who had violated their treaty rights.

The surrender of the vessel and the survivors to the jurisdiction of the tribunals of the United States was an admission of the principles upon which our demands had been founded. I therefore had no hesitation in agreeing to the arrangement finally made between the two Governments—an arrangement which was moderate and just, and calculated to

cement the good relations which have so long existed between Spain and the United States.

Under this agreement the *Virginius*, with the American flag flying, was delivered to the Navy of the United States at Bahia Honda, in the island of Cuba, on the 16th ultimo. She was then in an unseaworthy condition. In the passage to New York she encountered one of the most tempestuous of our winter storms. At the risk of their lives the officers and crew placed in charge of her attempted to keep her afloat. Their efforts were unavailing, and she sank off Cape Fear. The prisoners who survived the massacres were surrendered at Santiago de Cuba on the 18th ultimo, and reached the port of New York in safety.

The evidence submitted on the part of Spain to establish the fact that the *Virginius* at the time of her capture was improperly bearing the flag of the United States is transmitted herewith, together with the opinion of the Attorney-General thereon and a copy of the note of the Spanish minister, expressing on behalf of his Government a disclaimer of an intent of indignity to the flag of the United States.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Republic of Salvador, which was signed at San Salvador on the 12th of May last, stipulating for an extension of the period for exchanging the ratifications of the treaty of amity, commerce, and consular privileges concluded between the two countries on the 6th December, 1870.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Republic of Salvador, which was signed at San Salvador on the 12th of May last, for an extension of the period for exchanging the ratifications of the treaty for the extradition of criminals concluded between the two countries on the 23d of May, 1870.

U. S. GRANT.

WASHINGTON, *January 6, 1874.*

To the Senate of the United States:

I transmit to the Senate an "agreement," signed at Lima on the 5th of June last by Mr. Francis Thomas, envoy extraordinary and minister plenipotentiary of the United States, and Mr. José de la Riva Aguero,

minister for foreign affairs of Peru, providing for an extension of the time for the exchange of the ratifications of the treaty of friendship, commerce, and navigation and the treaty of extradition between the United States and Peru of the 6th and 12th of September, 1870, respectively. The limit of the proposed extension is to be nine months from the time when the Senate of the United States may approve thereof. The expediency of this approval is consequently submitted to the consideration of the Senate. The instruments themselves were approved by that body on the 31st of March, 1871, and they were ratified by me in order that our ratifications might be ready for exchange for those of Peru. The omission of the latter seasonably to perform that act is understood to have been occasioned solely by the delay in the meeting of the Congress of that Republic, whose sanction, pursuant to its constitution, was necessary.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, January 7, 1874.

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 15th of last December, requesting a revision of the estimates for the expenses of the Government for the fiscal year ending June 30, 1875, I have the honor to transmit herewith amended estimates and replies from the several Departments.

U. S. GRANT.

EXECUTIVE MANSION, *January 8, 1874.*

To the Senate and House of Representatives:

In compliance with the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," I directed the Secretaries of the Treasury and Navy Departments to create a commission to conduct the experiments and collect the information contemplated by the act. Such a commission was created, and I have the honor to submit herewith a report of the result of their labors to the present time.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1874.*

To the Senate of the United States:

Since nominating the Hon. Caleb Cushing for Chief Justice of the Supreme Court of the United States information has reached me which induces me to withdraw him from nomination as the highest judicial officer of the Government, and I do therefore hereby withdraw said nomination.

U. S. GRANT.

EXECUTIVE MANSION, *January 19, 1874.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 8th instant, requesting information "relative to any unauthorized occupation or invasion of or encroachment upon the Indian Territory, so called, by individuals or bodies of men, in violation of treaty stipulations," I have the honor to submit herewith the reply of the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *January 27, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, a protocol relative to a claim on the Government of Chile in the case of the ship *Good Return.*

U. S. GRANT.

WASHINGTON, *February 6, 1874.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.*

U. S. GRANT.

WASHINGTON, *February 6, 1874.*

To the Senate and House of Representatives:

I transmit herewith a copy of a communication, dated the 22d ultimo, received from the governor of the State of New York, in which it is announced that, in accordance with the invitation of Congress as expressed in the act approved July 2, 1864, that State now presents for acceptance a bronze statue of George Clinton, deceased, one of its distinguished citizens.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 9, 1874.

To the House of Representatives:

I have the honor to transmit herewith the report of the Secretary of the Department of the Interior, to whom was referred the resolution of the House of Representatives of January 7, requesting "a statement of the extent and nature of the contracts, purchases, and expenditures for the Indian service made since July 1, 1873, setting forth which, if any, of them were made or entered into without conference with the Board of Indian

*Correspondence relative to the refusal of the United States consul at Cadiz, Spain, to certify invoices of wine shipped from that port, etc

Commissioners appointed by the President, and the extent and description of contracts and vouchers objected to by said board, stating to what extent payments have been made thereon against their remonstrance."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 10, 1874.

To the House of Representatives:

I have the honor to transmit herewith reports from the Secretaries of the War Department and Department of the Interior, to whom were referred the resolutions of the House of Representatives of the 7th of January last, requesting "copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians in southern Oregon and northern California during the years 1872 and 1873; also copies of all the correspondence with and orders issued to the military authorities engaged in said war up to the period of the removal of said Modoc Indians from the States of Oregon and California."

U. S. GRANT

WASHINGTON, *February 17, 1874.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State and accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *February 19, 1874.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a memorial upon the "cultivation of timber and the preservation of forests," and a draft of a joint resolution prepared by the American Association for the Advancement of Science, together with a communication from the Commissioner of the General Land Office upon the same subject.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 25, 1874.

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the Centennial Commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our independence should be marked by an event that will

*Report of John M. Thacher, United States delegate to the International Patent Congress held at Vienna in August, 1873, and exhibits.

display to the world the growth and progress of a nation devoted to freedom and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

To secure this end, in my judgment, Congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our Centennial Exposition or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 4, 1874.

To the House of Representatives:

I have the honor to transmit herewith replies from the several Departments, in answer to a resolution of the House of Representatives of the 16th of January last, requesting a list of all expenses incurred by the various Departments for transportation of any matter which before the abolition of the franking privilege was carried in the mails.

U. S. GRANT.

WASHINGTON, *March 20, 1874.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate and with a view to its ratification, a convention concluded between the United States and Belgium on the 19th March, 1874, concerning extradition.

U. S. GRANT

EXECUTIVE MANSION, *March 23, 1874.*

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of the board of commissioners on the irrigation of the San Joaquin, Tulare, and Sacramento valleys, of the State of California, and also the original maps accompanying said report.

U. S. GRANT.

EXECUTIVE MANSION, *Washington, April 18, 1874.*

To the Senate and House of Representatives:

Herewith I transmit the report of the Civil Service Commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may, perhaps, be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours, under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

WASHINGTON, *April 21, 1874.*

To the Senate and House of Representatives:

I transmit herewith to the Senate and House of Representatives a communication from the Secretary of State and the report by which it is accompanied, upon Samoan or Navigators Islands.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 23, 1874.

To the House of Representatives:

I transmit herewith the papers called for by the resolution of the House of Representatives of the 20th instant, requesting all correspondence by telegraph or otherwise between the persons claiming to be governor of Arkansas and myself relating to the troubles in that State, together with copies of any order or directions given by me or under my direction to the military officer in charge of the garrison or in command of the United States troops at Little Rock.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 28, 1874.

To the House of Representatives:

I have the honor to transmit herewith additional correspondence received since my communication of the 23d instant, in reply to the resolution of the House of Representatives of the 20th instant, requesting copies of correspondence between persons claiming to be governor of Arkansas and myself relating to troubles in that State.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 30, 1874.

To the House of Representatives:

In pursuance of the resolution of the House of Representatives of the 15th instant, requesting to be informed "what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each," I have the honor to transmit herewith the views of the officers of the War and Interior Departments on the subjects named in the said resolution, and invite attention thereto.

Where surveys are made with the view of sectionizing the public lands, preparatory to opening them for settlement or entry, there is no question but such surveys and all work connected therewith should be under the direct control of the Interior Department or the Commissioner of the General Land Office, subject to the supervision of the Secretary of the Interior. But where the object is to complete the map of the country; to determine the geographical, astronomical, geodetic, topographic, hydrographic, meteorological, geological, and mineralogical features of the country—in other words, to collect full information of the unexplored or but partially known portions of the country—it seems to me a matter

of no importance as to which Department of the Government should have control of the work. The conditions which should control this subject are, in my judgment, first, which Department is prepared to do the work best; second, which can do it the most expeditiously and economically.

As the country to be explored is occupied in great part by uncivilized Indians, all parties engaged in the work at hand must be supplied with escorts from the Army, thus placing a large portion of the expense upon the War Department; and as the Engineer Corps of the Army is composed of scientific gentlemen, educated and practiced for just the kind of work to be done, and as they are under pay whether employed in this work or not, it would seem that the second condition named would be more fully complied with by employing them to do the work. There is but little doubt that they will accomplish it as promptly and as well, and much more economically.

U. S. GRANT.

WASHINGTON, *May 19, 1874.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 9th instant, a report* from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *May 25, 1874.*

To the Senate and House of Representatives:

In response to the resolution of the Senate of the 15th instant, I have the honor to transmit herewith "all papers and correspondence relating to the troubles in the State of Arkansas not heretofore communicated to either House of Congress."

U. S. GRANT.

WASHINGTON, *May 25, 1874.*

To the Senate and House of Representatives:

I have the honor to transmit, in response to the resolution of the Senate of the 18th instant, requesting "the answers in full received by the Civil Service Commission in reply to their circular addressed to the various heads of Departments and bureaus requesting a report as to the operation and effect of the civil-service rules in the several Departments and offices," a copy of a letter received from the chairman of the Civil Service Commission, to whom the resolution was referred.

U. S. GRANT.

*Relating to the involuntary deportation to the United States of foreign convicts, paupers, idiots, insane persons, etc., and transmitting correspondence relative thereto.

WASHINGTON, *May 26, 1874.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, and accompanying it copies of all papers on file or on record in the Department of State respecting the claim on Brazil concerning the *Caroline*.

U. S. GRANT.

WASHINGTON, *May 26, 1874.*

To the Senate and House of Representatives:

I transmit to the Senate and House of Representatives a communication from the Secretary of State and a copy of the report of the commissioners to inquire into depredations on the frontiers of Texas, by which it is accompanied.

U. S. GRANT.

WASHINGTON, *June 15, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a declaration respecting trade-marks between the United States and the Emperor of Russia, concluded and signed at St. Petersburg on the 16/28 day of March last.

U. S. GRANT.

WASHINGTON, *June 18, 1874.*

To the Senate of the United States:

The plenipotentiaries of Her Britannic Majesty at Washington have submitted to the Secretary of State, for my consideration, a draft of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by United States vessels on terms of equality with British vessels. I transmit herewith a report from the Secretary of State, with a copy of the draft thus proposed.

I am of the opinion that a proper treaty for such purposes would result beneficially for the United States. It would not only open or enlarge markets for our products, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

The proposed draft has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we should yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting the fisheries, which was provided for by the treaty of Washington, in the event of the conclusion and ratification of a treaty and the passage of all the necessary legislation to enforce it.

These provisions, as well as other considerations, make it desirable that

this subject should receive attention before the close of the present session. I therefore express an earnest wish that the Senate may be able to consider and determine before the adjournment of Congress whether it will give its constitutional concurrence to the conclusion of a treaty with Great Britain for the purposes already named, either in such form as is proposed by the British plenipotentiaries or in such other more acceptable form as the Senate may prefer.

U. S. GRANT.

WASHINGTON, *June 18, 1874.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State and its accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *Washington, June 20, 1874.*

To the Senate and House of Representatives:

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished, and no other provision seems to be made for their payment. Judging from the transactions in other bonds, there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and, to the extent of the difference between their face and real value, looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount will not only prove greatly injurious to the credit of the District, but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend, therefore, that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

*Report of the United States delegates to the eighth session of the International Statistical Congress, held at St. Petersburg, Russia, in August, 1872, and appendix.

VETO MESSAGES.

EXECUTIVE MANSION,
Washington, April 10, 1874.

To the House of Representatives:

I have the honor to herewith return to you without my approval House bill No. 1224, entitled "An act for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," for the reasons set forth in the accompanying letter of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington, D. C., April 8, 1874.

THE PRESIDENT.

SIR: I have the honor to return House bill No. 1224, "for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," with the remark that the name of William H. Denniston, as an officer or private, is not borne on any rolls of the Seventieth New York Volunteers on file in the Department. Of this fact the Committee on Military Affairs of the House of Representatives was informed by letter from the Adjutant-General's Office dated December 19, 1873.

No vacancy existed in Company D (the company claimed) of this regiment for a second lieutenant during the period claimed, Second Lieutenant J. B. Zeigler having filled that position to May 6, 1862, and Second Lieutenant James Stevenson from that date to June 25, 1862. On regimental return for July, 1862, Edward Shields is reported promoted second lieutenant June 15, 1862.

There is no evidence in the Department that he actually served as a second lieutenant for the time covered by the bill herewith, and it is therefore respectfully recommended that the bill be returned to the House of Representatives without approval.

When the records of the War Department, prepared under laws and regulations having in view the establishment and preservation of data necessary to the protection of the public interests as well as that of the claimants, fail to show service, it is a subject of importance to legalize a claim wherein the military department of the Government has not seen the order under which the alleged service may have been claimed. A precedent of the kind is beyond doubt an injury to the public interest, and will tend to other special acts of relief under which thousands of muster rolls certified at the date, under the Articles of War, as exhibiting the true state of the command will be invalidated, and large appropriations of money will be required to settle claims the justness of which can not always be determined at a date so remote from their origin.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

EXECUTIVE MANSION, *April 22, 1874.*

To the Senate of the United States:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so I must express my regret at not being able to give my

assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserve to be retained by the banks and prohibiting interest to be received on the balance it might not prove a contraction.

But the fact can not be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if in practice the measure should fail to create the abundance of circulation expected of it the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from true principles of finance, national interest, national obligations to creditors, Congressional promises, party pledges (on the part of both political parties), and of personal views and promises made by me in every annual message sent to Congress and in each inaugural address.

In my annual message to Congress in December, 1869, the following passages appear:

> Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties, of Government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

I still adhere to the views then expressed.

As early as December 4, 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "cooperative action to this end as speedily as possible."

The first act passed by the Forty-first Congress, [approved] on the 18th day of March, 1869, was as follows:

AN ACT to strengthen the public credit.

Be it enacted, etc., That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or in other currency than gold and silver; but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act still remains as a continuing pledge of the faith of the United States "to make provision at the earliest practicable period for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864, created an obligation that the total amount of United States notes issued or to be issued should never exceed $400,000,000. The amount in actual circulation was actually reduced to $356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when from any cause revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal tender on call.

It may be said that such a return of fractional currency for redemption is impossible; but let steps be taken for a return to a specie basis and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point. With the amount of United States notes to be issued permanently fixed within proper limits and the Treasury so strengthened as to be able to redeem them in coin on demand it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, and for placing the Government in a condition to redeem its notes in coin "at the earliest practicable period," the revenues of the country should be increased so as to pay

current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay, for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but on reflection it will be remembered that there still remains $4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, May 12, 1874.

To the House of Representatives:

I return herewith without my signature House bill No. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians." I withheld my approval of said bill for reasons which satisfy me the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Secretary of the Interior of the 7th instant, a copy of which, with the accompanying papers, is herewith transmitted.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 7, 1874.

The PRESIDENT.

SIR: I have the honor to return herewith engrossed bill H. R. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians," and to state that said bill was the subject of a report made to the Department by the Commissioner of Indian Affairs on the 11th ultimo, with

which he submitted letters from Enoch Hoag, superintendent of Indian affairs, and Mahlon Stubbs, Indian agent, representing that the justness and correctness of the claim of Spencer & Mead had not been established, and suggesting that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case could be had.

The suggestion of the Indian agent received the concurrence of the Commissioner of Indian Affairs and the approval of this Department, and on the 17th ultimo the attention of Congress was invited to the subject in a letter addressed to the Speaker of the House of Representatives by the Secretary of the Interior. At the latter date the bill appears to have been pending in the Senate, of which fact this Department at that time was not informed.

On the 5th instant the engrossed bill (H. R. No. 1331) was received by reference from the Executive Office, and forwarded to the Commissioner of Indian Affairs for a further report on the subject, and on the 6th instant that officer returned said bill to this Department with a letter presenting his views in relation to the matter and suggesting that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due. The suggestion meets the approval of this Department.

Copies of the papers connected with this claim are herewith submitted.*

I have the honor to be, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive and other authorities of said State; and

Whereas said Elisha Baxter has been declared duly elected by the general assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in the Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas said Elisha Baxter, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof,

*Omitted.

has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and

Whereas the general assembly of said State was convened in extra session at the capital thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of May, A. D. 1874, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that—

Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.

And whereas it is provided by Article XXXII of the treaty aforesaid that—

The provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

And whereas by the second section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," it is provided—

That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty.

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol of a conference held by them at the Department of State in Washington on the 28th day of May, 1874, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 28TH DAY OF MAY, 1874.

Whereas it is provided by Article XXXII of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty;" and

Whereas an act was passed by the Senate and House of Representatives of the

United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th of May, 1871, relating to fisheries," by which act it is provided:

"SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty;" and

Whereas an act was passed by the governor, legislative council, and assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty's reign, and assented to by Her Majesty on the 12th day of May, 1874, intituled "An act to carry into effect the provisions of the treaty of Washington as far as they relate to this colony:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII of the treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island and the legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between the United States of America and Her Britannic Majesty shall take effect in accordance with Article XXXIII of said treaty between the citizens of the United States of America and Her Majesty's subjects in the colony of Newfoundland on the 1st day of June next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 28th day of May, 1874.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of May, A. D. 1874, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been satisfactorily represented to me that turbulent and disorderly persons have combined together with force and arms to overthrow the State government of Louisiana and to resist the laws and constituted authorities of said State: and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within five days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid

and cooperation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of September, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

We are reminded by the changing seasons that it is time to pause in our daily avocations and offer thanks to Almighty God for the mercies and abundance of the year which is drawing to a close.

The blessings of free government continue to be vouchsafed to us; the earth has responded to the labor of the husbandman; the land has been free from pestilence; internal order is being maintained, and peace with other powers has prevailed.

It is fitting that at stated periods we should cease from our accustomed pursuits and from the turmoil of our daily lives and unite in thankfulness for the blessings of the past and in the cultivation of kindly feelings toward each other.

Now, therefore, recognizing these considerations, I, Ulysses S. Grant, President of the United States, do recommend to all citizens to assemble in their respective places of worship on Thursday, the 26th day of November next, and express their thanks for the mercy and favor of Almighty God, and, laying aside all political contentions and all secular occupations, to observe such day as a day of rest, thanksgiving, and praise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 27th day of October, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain

tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the Government of Egypt,'' the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions; and

Whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as minister resident of the United States to the Ottoman Porte, to sign on behalf of this Government the protocol accepting the law aforesaid of the said Ottoman Porte, which protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284 (January 18, 1867), have authorized:

The President of the United States of America, George H. Boker, minister resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his minister of foreign affairs, to sign the protocol which follows:

PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow:

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force can not enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies; that is to say, the outhouses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the consular residence, the agents of the public force can not enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority so as not to let six hours elapse between the moment which he may be informed and the moment of his departure or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the council of

the elders of the commune, enter into the residence of a foreigner without being assisted by the consular agent, but only in case of urgency and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit in the exceptional circumstances determined before, and the members of the council of elders who shall assist him, will be obliged to make out a *procès verbal* of the domiciliary visit and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent without delay.

A special regulation will be promulgated by the Sublime Porte to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the *velayet* may be in force, foreigners shall be tried without the assistance of the consular delegate by the council of elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding 1,000 piasters as for offenses entailing a fine of 500 piasters only at the maximum.

Foreigners shall have in any case the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the cooperation of the consul or of his delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the council of elders or of the tribunal of the canton without the assistance of the consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol and have affixed thereto their seals.

Done at Constantinople the 11th of August, 1874.

[SEAL.]	(Signed)	A. AARIFI.
[SEAL.]	(Signed)	GEO. H. BOKER.

[Translation.]

LAW CONCEDING TO FOREIGNERS THE RIGHT OF HOLDING REAL ESTATE IN THE OTTOMAN EMPIRE.

Imperial Rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284 (January 18, 1867).

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan:

ARTICLE I. Foreigners are admitted by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the Empire, with the exception of the Province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II. Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

First. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

Second. To pay all charges and taxes, under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

Third. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor he shall apply to the competent Ottoman authorities in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided

that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law as soon as the powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said protocol and law to be made public for the information and guidance of citizens of the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of October, A. D. 1874, and of the Independence of the United States of America the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *January 23, 1874.*

Whereas it has been brought to the notice of the President of the United States that in the International Exhibition of Arts, Manufactures, and Products of the Soil and Mine to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the independence of the United States it is desirable that from the Executive Departments of the Government of the United States in which there may be articles suitable for the purpose intended there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptations to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the

Executive Departments of the Government, it is ordered that a board to be composed of one person to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board, and that the board appoint from their own number such other officers as they may think necessary; and that the said board when organized be authorized, under the direction of the President, to confer with the executive officers of the Centennial Exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,
Secretary of State.

GENERAL ORDERS, No. 22.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1874.

I. The following order has been received from the President of the United States:

EXECUTIVE MANSION,
Washington, March 9, 1874.

It is with deep regret that the President announces to the people of the United States the death of Millard Fillmore, one of his honored predecessors, who died at Buffalo, N. Y., last evening.

The long-continued and useful public service and eminent purity of character of the deceased ex-President will be remembered beyond the days of mourning in which a nation will be thrown by the event which is thus announced.

As a mark of respect to his memory, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning until the close of the day on which the funeral shall take place, and that all business be suspended on the day of the funeral

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of the eminent citizen whose life is now closed.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

II. In compliance with the President's instructions, the troops will be paraded at 10 o'clock a. m. on the day after the receipt of this order at each military post, when the order will be read to them, and the labors of that day will thereafter cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General.*

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, March 9, 1874.

The President of the United States announces the death of ex-President Millard Fillmore in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly, on Thursday, the 12th instant, the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for the period of thirty days.

GEO. M. ROBESON,
Secretary of the Navy.

EXECUTIVE MANSION,
Washington, D. C., May 27, 1874.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the

*Addressed to the heads of the Executive Departments, etc.

employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

WASHINGTON, *May 29, 1874.*

The Civil Service Commission, at its sessions at Washington, having recommended certain rules* to be prescribed by the President for the government of the Light-House Service of the United States, these rules as herewith published are approved, and their provisions will be enforced by the proper officers.

U. S. GRANT.

AUGUST 31, 1874.

It appearing to me from their trial at Washington and at the city of New York that the further extension of the civil-service rules will promote the efficiency of the public service, it is ordered that such rules be, and they are hereby, extended to the several Federal offices at the city and in the customs district of Boston, and that the proper measures be taken for carrying this order into effect.

U. S. GRANT.

SIXTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 7, 1874.*

To the Senate and House of Representatives:

Since the convening of Congress one year ago the nation has undergone a prostration in business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views without borrowing—upon the subject. Without indulging in theories as to the cause of this prostration, therefore, I will call your attention only to the fact, and to some plain questions as to which it would seem there should be no disagreement.

During this prostration two essential elements of prosperity have been most abundant—labor and capital. Both have been largely unemployed. Where security has been undoubted, capital has been attainable at very moderate rates. Where labor has been wanted, it has been found in abundance, at cheap rates compared with what—of necessaries and comforts of life—could be purchased with the wages demanded. Two great

*Omitted.

elements of prosperity, therefore, have not been denied us. A third might be added: Our soil and climate are unequaled, within the limits of any contiguous territory under one nationality, for its variety of products to feed and clothe a people and in the amount of surplus to spare to feed less favored peoples. Therefore, with these facts in view, it seems to me that wise statesmanship, at this session of Congress, would dictate legislation ignoring the past; directing in proper channels these great elements of prosperity to any people. Debt, debt abroad, is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people.

A great conflict for national existence made necessary, for temporary purposes, the raising of large sums of money from whatever source attainable. It made it necessary, in the wisdom of Congress—and I do not doubt their wisdom in the premises, regarding the necessity of the times—to devise a system of national currency which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness or prosperity of a people, and involving, both directly and indirectly, foreign indebtedness. The currency, being of fluctuating value, and therefore unsafe to hold for legitimate transactions requiring money, became a subject of speculation within itself. These two causes, however, have involved us in a foreign indebtedness, contracted in good faith by borrower and lender, which should be paid in coin, and according to the bond agreed upon when the debt was contracted—gold or its equivalent. The good faith of the Government can not be violated toward creditors without national disgrace. But our commerce should be encouraged; American shipbuilding and carrying capacity increased; foreign markets sought for products of the soil and manufactories, to the end that we may be able to pay these debts. Where a new market can be created for the sale of our products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But, in my judgment, the first step toward accomplishing this object is to secure a currency of fixed, stable value; a currency good wherever civilization reigns; one which, if it becomes superabundant with one people, will find a market with some other; a currency which has as its basis the labor necessary to produce it, which will give to it its value. Gold and silver are now the recognized medium of exchange the civilized world over, and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing by legislation a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until

a policy is adopted—with legislation to carry it out—looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes; by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this, would it not be safer, for fear of overissues by unscrupulous creditors, to say that all debt obligations are obliterated in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These propositions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the State at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress at this session to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter.

A nation dealing in a currency below that of specie in value labors under two great disadvantages: First, having no use for the world's acknowledged medium of exchange, gold and silver, these are driven out of the country because there is no need for their use; second, the medium of exchange in use being of a fluctuating value—for, after all, it is only worth just what it will purchase of gold and silver, metals having an intrinsic value just in proportion to the honest labor it takes to produce them—a larger margin must be allowed for profit by the manufacturer and producer. It is months from the date of production to the date of realization. Interest upon capital must be charged, and risk of fluctuation in the value of that which is to be received in payment added. Hence high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the products of his skill and labor except a currency good, at a stable value, the world over. It seems to me

that nothing is clearer than that the greater part of the burden of existing prostration, for the want of a sound financial system, falls upon the working man, who must after all produce the wealth, and the salaried man, who superintends and conducts business. The burden falls upon them in two ways—by the deprivation of employment and by the decreased purchasing power of their salaries. It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act—not to apply, however, to payments of salaries by Government, or for other expenditures now provided by law to be paid in currency, in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

I commend this subject to your careful consideration, believing that a favorable solution is attainable, and if reached by this Congress that the present and future generations will ever gratefully remember it as their deliverer from a thraldom of evil and disgrace.

With resumption, free banking may be authorized with safety, giving the same full protection to bill holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business, new banks would be started, and in turn banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject, and so earnestly do I commend it to your attention, that I give it prominence by introducing it at the beginning of this message.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the United States with other powers.

The correspondence submitted herewith between this Government and its diplomatic representatives, as also with the representatives of other countries, shows a satisfactory condition of all questions between the

United States and the most of those countries, and with few exceptions, to which reference is hereafter made, the absence of any points of difference to be adjusted.

The notice directed by the resolution of Congress of June 17, 1874, to be given to terminate the convention of July 17, 1858, between the United States and Belgium has been given, and the treaty will accordingly terminate on the 1st day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the United States exceptional privileges which are not accorded to our own vessels. Other features of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that negotiations which have been invited will result in the celebration of another treaty which may tend to the interests of both countries.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of civilization in these Empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the Governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

In connection with this subject I call the attention of Congress to a generally conceded fact—that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily, to make their homes with us and their labor productive of general prosperity, but come under contracts with headmen, who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end.

It is hoped that negotiations between the Government of Japan and the treaty powers, looking to the further opening of the Empire and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which can not fail to inure to the benefit of all the parties. Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese Government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to

regard the obligations of the convention as in force; and as the other powers interested had received their portion of the indemnity in full, the minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Simonosaki. I submit the propriety of applying the income of a part, if not of the whole, of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits would result to both Governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country can not readily be overestimated.

The amount awarded to the Government of Great Britain by the mixed commission organized under the provisions of the treaty of Washington in settlement of the claims of British subjects arising from acts committed between April 13, 1861, and April 9, 1865, became payable, under the terms of the treaty, within the past year, and was paid upon the 21st day of September, 1874. In this connection I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal. To this end I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions.

The legislation necessary to extend to the colony of Newfoundland certain articles of the treaty of Washington of the 8th day of May, 1871, having been had, a protocol to that effect was signed in behalf of the United States and of Great Britain on the 28th day of May last, and was duly proclaimed on the following day. A copy of the proclamation* is submitted herewith.

A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British possessions from the Lake of the Woods to the summit of the Rocky Mountains is herewith transmitted. I am happy to announce that the field work of the commission has been completed, and the entire line from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains has been run and marked

*See pp. 4227-4230.

upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation in the completion of the work of the commission in making its report and preparing the necessary maps.

The court known as the Court of Commissioners of Alabama Claims, created by an act of Congress of the last session, has organized and commenced its work, and it is to be hoped that the claims admissible under the provisions of the act may be speedily ascertained and paid.

It has been deemed advisable to exercise the discretion conferred upon the Executive at the last session by accepting the conditions required by the Government of Turkey for the privilege of allowing citizens of the United States to hold real estate in the former country, and by assenting to a certain change in the jurisdiction of courts in the latter. A copy of the proclamation * upon these subjects is herewith communicated.

There has been no material change in our relations with the independent States of this hemisphere which were formerly under the dominion of Spain. Marauding on the frontiers between Mexico and Texas still frequently takes place, despite the vigilance of the civil and military authorities in that quarter. The difficulty of checking such trespasses along the course of a river of such length as the Rio Grande, and so often fordable, is obvious. It is hoped that the efforts of this Government will be seconded by those of Mexico to the effectual suppression of these acts of wrong.

From a report upon the condition of the business before the American and Mexican Joint Claims Commission, made by the agent on the part of the United States, and dated October 28, 1874, it appears that of the 1,017 claims filed on the part of citizens of the United States, 483 had been finally decided and 75 were in the hands of the umpire, leaving 462 to be disposed of; and of the 998 claims filed against the United States, 726 had been finally decided, 1 was before the umpire, and 271 remained to be disposed of. Since the date of such report other claims have been disposed of, reducing somewhat the number still pending; and others have been passed upon by the arbitrators. It has become apparent, in view of these figures and of the fact that the work devolving on the umpire is particularly laborious, that the commission will be unable to dispose of the entire number of claims pending prior to the 1st day of February, 1875—the date fixed for its expiration. Negotiations are pending looking to the securing of the results of the decisions which have been reached and to a further extension of the commission for a limited time, which it is confidently hoped will suffice to bring all the business now before it to a final close.

The strife in the Argentine Republic is to be deplored, both on account

* See pp. 4231–4235.

of the parties thereto and from the probable effects on the interests of those engaged in the trade to that quarter, of whom the United States are among the principal. As yet, so far as I am aware, there has been no violation of our neutrality rights, which, as well as our duties in that respect, it shall be my endeavor to maintain and observe.

It is with regret I announce that no further payment has been received from the Government of Venezuela on account of awards in favor of citizens of the United States. Hopes have been entertained that if that Republic could escape both foreign and civil war for a few years its great natural resources would enable it to honor its obligations. Though it is now understood to be at peace with other countries, a serious insurrection is reported to be in progress in an important region of that Republic. This may be taken advantage of as another reason to delay the payment of the dues of our citizens.

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which can not be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped at this time to be able to announce the arrangement of some of the important questions between this Government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the Governments is hoped. In the meantime, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions, it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress by the act of the 27th of July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious. The representatives of the United States in foreign countries are continually called upon to lend their aid and the protection of the United States to persons concerning the good faith or the reality of whose citizenship there is at least great question. In some cases the provisions of

the treaties furnish some guide; in others it seems left to the person claiming the benefits of citizenship, while living in a foreign country, contributing in no manner to the performance of the duties of a citizen of the United States, and without intention at any time to return and undertake those duties, to use the claims to citizenship of the United States simply as a shield from the performance of the obligations of a citizen elsewhere.

The status of children born of American parents residing in a foreign country, of American women who have married aliens, of American citizens residing abroad where such question is not regulated by treaty, are all sources of frequent difficulty and discussion. Legislation on these and similar questions, and particularly defining when and under what circumstances expatriation can be accomplished or is to be presumed, is especially needed. In this connection I earnestly call the attention of Congress to the difficulties arising from fraudulent naturalization. The United States wisely, freely, and liberally offers its citizenship to all who may come in good faith to reside within its limits on their complying with certain prescribed reasonable and simple formalities and conditions. Among the highest duties of the Government is that to afford firm, sufficient, and equal protection to all its citizens, whether native born or naturalized. Care should be taken that a right carrying with it such support from the Government should not be fraudulently obtained, and should be bestowed only upon full proof of a compliance with the law; and yet frequent instances are brought to the attention of the Government of illegal and fraudulent naturalization and of the unauthorized use of certificates thus improperly obtained. In some cases the fraudulent character of the naturalization has appeared upon the face of the certificate itself; in others examination discloses that the holder had not complied with the law, and in others certificates have been obtained where the persons holding them not only were not entitled to be naturalized, but had not even been within the United States at the time of the pretended naturalization. Instances of each of these classes of fraud are discovered at our legations, where the certificates of naturalization are presented either for the purpose of obtaining passports or in demanding the protection of the legation. When the fraud is apparent on the face of such certificates, they are taken up by the representatives of the Government and forwarded to the Department of State. But even then the record of the court in which the fraudulent naturalization occurred remains, and duplicate certificates are readily obtainable. Upon the presentation of these for the issue of passports or in demanding protection of the Government, the fraud sometimes escapes notice, and such certificates are not infrequently used in transactions of business to the deception and injury of innocent parties. Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly

recommend further legislation to punish fraudulent naturalization and to secure the ready cancellation of the record of every naturalization made in fraud.

Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks.

The report of the Secretary of the Treasury, which by law is made directly to Congress, and forms no part of this message, will show the receipts and expenditures of the Government for the last fiscal year, the amount received from each source of revenue, and the amount paid out for each of the Departments of Government. It will be observed from this report that the amount of receipts over expenditures has been but $2,344,882.30 for the fiscal year ending June 30, 1874, and that for the current fiscal year the estimated receipts over expenditures will not much exceed $9,000,000. In view of the large national debt existing and the obligation to add 1 per cent per annum to the sinking fund, a sum amounting now to over $34,000,000 per annum, I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking fund is a partial failure to comply with the contracts and obligations of the Government. At the last session of Congress a very considerable reduction was made in rates of taxation and in the number of articles submitted to taxation; the question may well be asked, whether or not, in some instances, unwisely. In connection with this subject, too, I venture the opinion that the means of collecting the revenue, especially from imports, have been so embarrassed by legislation as to make it questionable whether or not large amounts are not lost by failure to collect, to the direct loss of the Treasury and to the prejudice of the interests of honest importers and taxpayers.

The Secretary of the Treasury in his report favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of 10 cents a gallon on whisky, and, further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join.

I would suggest to Congress the propriety of readjusting the tariff so as to increase the revenue, and at the same time decrease the number of articles upon which duties are levied. Those articles which enter into

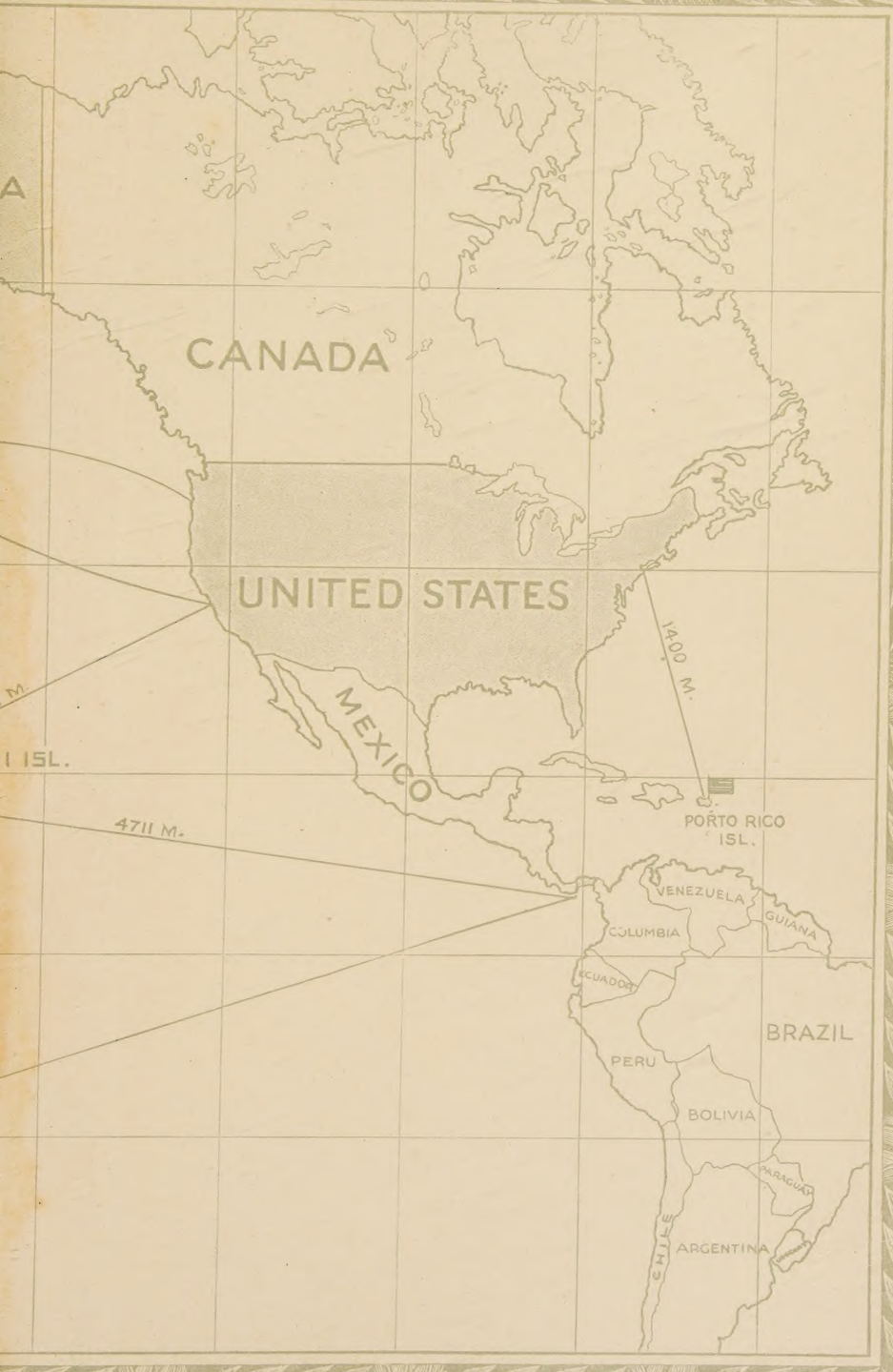
our manufactures and are not produced at home, it seems to me, should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, etc. These articles must be imported to form a part of the manufacture of the higher grades of woolen goods. Chemicals used as dyes, compounded in medicines, and used in various ways in manufactures come under this class. The introduction free of duty of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and therefore would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other and of supplying one of the elements of prosperity so much needed.

The report of the Secretary of War herewith attached, and forming a part of this message, gives all the information concerning the operations, wants, and necessities of the Army, and contains many suggestions and recommendations which I commend to your special attention.

There is no class of Government employees who are harder worked than the Army—officers and men; none who perform their tasks more cheerfully and efficiently and under circumstances of greater privations and hardships.

Legislation is desirable to render more efficient this branch of the public service. All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manufacture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army without trial for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by check, and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed, where this has not already been done, so that promotions may be made and vacancies filled as they occur in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that department is below

RUSSIA
CHINA
JAPAN
4396 M.
3379 M.
MIDWAY ISL.
WAKE ISL.
PHILIPPINE ISL.
SAMOA
AUSTRALIA


CANADA
UNITED STATES
MEXICO
1400 M.
PORTO RICO
ISL.
4711 M.
VENEZUELA
GUIANA
COLUMBIA
ECUADOR
BRAZIL
PERU
BOLIVIA
PARAGUAY
CHILE
ARGENTINA